

Rethinking the concept of effective participation: Are minorities similar to women?

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The slogan ‘participation of minorities’ has long been a powerful concept in the vocabulary of human rights activists. Today it is also embraced by politicians and other actors promoting democratic developments in European societies. Those who propagate the concept of ‘effective participation of minorities in public life’ stress how important it is to include potential victims of discrimination from a very early stage within the decision making processes that affect their lives. In fact, proponents argue that allowing minorities to participate in a full and effective manner in societal power structures is *the* solution to overcoming discrimination and inequality. This concept is becoming increasingly widespread, especially in legal and other materials developed by intergovernmental organizations.

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This contribution discusses the concept of effective participation of minorities in public life from a feminist perspective, and raises questions about the widespread assumption that the problems faced by minorities will fade away as soon as increased rates of inclusion are achieved. Building on assessments by critical and feminist theorists,¹ it is argued that participation always means (evidently) that, in order to be

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allowed to take part, one has to adapt to the hegemonic² system steering the process of participatory praxis. People wishing to participate must find the correct “modus” of self-representation in which the right to participation may be claimed. This modus must be understood and acknowledged by those already inside the sphere, as fundamental problems arise when those wishing to participate in society on an equal footing have to give up at least parts of their original agenda before they can become acceptable to those holding power and when minority representatives have to ask what the price of participation will be. Is it fair to expect of minorities that they voluntarily pay that price? Do minorities really choose to participate?

The first section discusses what we can learn from feminist critique. Can a feminist account provide analytical tools for rethinking how the concept of effective participation, as employed by intergovernmental organizations, is used? The following section examines how the different organs of the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (CoE), as well as the European Union (EU), use the concept of effective participation. Using a feminist reading of the documents, it will be argued that the concept of ‘participation’ is clearly employed as a problem-solving tool. The assumption seems to be that programmes and projects motivated by goodwill from both the governments and minority representatives are enough to overcome invisible and visible barriers in participatory praxis. The solutions presented or proposed by the intergovernmental organizations, however, often fail to address the fact that minorities are already a part of all societies and have already influenced the formation of those societies, albeit from a marginalized position as the ‘others’ – the ones against whom the majority has been able to build their understanding of ‘who we are’ (Hogg and Abrams 1988; Liebkind 1992). In conclusion it is argued that participation is a concept that should

be rethought, taking into account the aspect of fairness. Participatory rights and praxis can only be assessed within their specific contexts. There are no simple solutions to the problems experienced by minorities. Supporting minority participation is a good start, but the issue requires greater critical assessment across the range of different cases. There should be more awareness about what society actually wishes to achieve through minority participation.

The public sphere and the problem with participation

Critical social theory and feminist theories share certain basic assumptions which can help us to understand the situation of the oppressed and the subordinated. This commonality also explains why persons classified as feminists are also frequently classified as critical theorists. They share an emancipatory interest and practical approach that aim to provoke social change. After a short summary of the theoretical approaches, this section will shed light on why gender is similar to ethnicity, why both issues have long been kept out of the public debate, and why ethnic minorities and women have been denied participatory parity as if they would not/could not make a difference.

The origins of critical social theory go back to the 1920s when a group of young scholars founded an independent research institute, The Frankfurt School, in Germany. The original intention was to analyse Marxian social theories and share the ideal of socially and politically independent research that would be opinion-producing and critical, intellectuality cherished, and that would oppose the mainstream approach which required strict neutrality and objectivity from researchers (Honneth 1998).

Critical theory is explicitly prescriptive, commenting on what society momentarily is as well as what society should entail. As such it takes a rather pragmatic approach in

seeking not only to identify problems but also to realize a society based on equality and democracy.

The newer voices in critical theory are strongly influenced and nourished by feminist, anti-racist, ecological and student movements which are highly sensitive to questions related to fairness and equality; they take a critical stance with respect to the legitimacy of the powerful; and they identify the 'false' or 'fragmented' consciousness that has brought individuals or groups to a state of powerlessness (Cohen, Manion, and Morrison 2000: 28; Wexler 1991). Critical researchers seek to uncover the illegitimate powers at stake and to understand the research context. Simultaneously, the researcher aims to discover how power relationships work in a given momentum (Bourdieu and Wacquant 1999). The aim of the research is emancipation and freedom (Habermas 1996) and one could therefore say that, in the best case, critical theory leads to political and societal action that aims to change power relationships that have been identified as unfair.

Timothy W. Luke lists the requirements for critical theory: it must be 'essentially reflective, reflexive and ironic rather than positive, objective and methodologically formalistic' (Luke 1991). According to Luke, integrating semiotics into critical theory is helpful as in one's political and cultural engagement one must be dedicated to disclosing the sources of mystification, power and domination in social production and the consumption of meanings (Luke 1991: 21; see also Honneth 1992). At the same time, critical theory states that one should never forget the real life circumstances of individuals or groups, as there are very few universal categories. The Habermasian '*verstehen*' (a method of understanding) plays an important role in ideological criticism. Indeed, the description and interpretation of the existing situations includes a hermeneutic³ exercise of *verstehen* that attempts to make sense

of the situation, looks for the reasons that brought the situation into existence, and evaluates its legitimacy. The latter exercise involves an analysis of the interests and ideologies at work in a given situation, their power and their legitimacy. In the same vein, the research calls for an active search for ways to alter the situation, and an evaluation of the achievements of the situation in practice (Habermas 1972: 230).

Transnational forces, eg, the human rights movement or global liberal markets, cannot be explained in abstracto; the peculiarities and particularities of life must be faced at the local level. Similarly, critical theory must be alerted to track the unintended and unexpected results of human action, especially taking into account the cultural and social embeddedness of people and the demands of modern everyday life (Luke 1991; Scheinin and Toivanen 2004).

Feminist theories build upon the ideological criticism of The Frankfurt School while at the same time questioning its glorification of family life and its relative ignorance of women-specific problems (Fraser 1990). Nancy Fraser has noted that feminist theory, when applied in a pragmatic vein, insists on social context and the social practice of communication, thus allowing for a study of ever-changing discursive sites and practices (Fraser 2000; Kristeva 1994). ‘As a result, these theories offer us the possibility of thinking of social identities as complex, changing and discursively constructed’ and provide an alternative to essentialist concepts of identity (Fraser and Calhoun 1992: 113–4). Feminist approaches are deeply committed to the deconstruction of closed identity concepts and stress the interaction between identification and a hegemonic environment (Young 2000; Bauer and Bell 1999).

The feminist critique of the concept of participation stems from a critique of citizenship based on the view that women were (and still are) excluded from full and effective enjoyment of the title of citizen. The accomplishment of feminist

intellectuals has been to reveal how, despite claims of universalism, citizenship has theory been exclusively male, both in theory and in practice. Another achievement of feminist research has been to expose the ways in which the private–public divide is constructed politically and to reveal the effects of such a construction. In the following, the critical feminist theoretical frameworks will assist us in our discussion of the concept of participation and in rethinking the interconnectedness firstly of the public sphere and participation, and secondly of recognition and participation.

How open is the public sphere and what is the problem with participation?

Feminists have a problem with the Habermasian understanding of the public sphere as an open space accessible to participation by all. This view seems to ignore the inequalities that exist and the fact that many strata of society are invisible and voiceless and cannot therefore participate in the public sphere (Fraser and Calhoun 1992: 120). Indeed, in his early book, *The Structural Transformation of the Public Sphere*, Habermas discusses the conditions under which various arguments of various origins can constitute authoritative bases for political action (Habermas 1989). However, in her critique of Habermas, Fraser argues that political democracy requires substantive social equality, and that a necessary condition for participatory parity is the elimination of systemic social inequalities (Fraser and Calhoun 1992). Otherwise, participation remains exclusive, an option not available to all.

Hannah Arendt divides the public space into a competitive (agonistic) space on the one hand, and a space where common action can take place (associated space) on the other (Arendt 1958). This division is theoretical. In reality, public space has both elements: people must struggle to get their agenda into the public (agonistic) space and, with each entry, the public (associated) space is extended. According to Benhabib, '[t]he struggle over what gets included in the public agenda is itself a

struggle for justice and freedom' (Benhabib 1992: 92). Today, we are not talking only about political participation in the framework of liberal neutrality. Participation is an activity that can be realized in social and cultural space as well. A practical approach inspired by feminist criticism is therefore more useful than a liberal one, as the practical discourse is radically procedural (Benhabib 1992: 86).

Fraser criticizes Habermasians for failing to examine other, non-liberal, non-bourgeois, competing public spheres; in her opinion, Habermas thus ends up idealizing the liberal public sphere (1992: 115). What is important here is Fraser's discussion of competing 'counterpublics' which have a conflictual relationship towards each other (1992: 116). Applying this understanding to minorities' efforts to participate, minority members could first start gaining power in their 'own' public sphere and then slowly enter the hegemonic space through a consolidation of conflicts. However, there is serious doubt that intergovernmental organizations, for example, can create something resembling a conflicting space against that of the nation-state. Although the thought is fascinating, one cannot view these various spaces as independent. Rather, they are closely interrelated and connected within a hegemonic model (Cowan 2006; Toivanen 2005). The public sphere in its mature form contains sufficient participation and sufficient representation of multiple interests and perspectives to enable people to recognize themselves in the discourse (Fraser 1992: 139). Yet the crucial question remains: who decides what is sufficient?

Feminists have pointed out that women's issues have remained in the private sphere. The artificial distinction between private and public seems to help some societal groups in preserving power by relegating delicate 'uncontrollable' issues (such as gender, religion, ethnicity, etc) to the private. Debates on justice take place in the public sphere while other topics are dismissed as private, treated as inadmissible

and placed beyond the scope of justice. Benhabib (1992: 95) criticizes the fact that the liberal model of public space transforms the political dialogue of empowerment too quickly into a question of rights, leading to a juridical discourse where private issues cannot be debated. There are clearly similarities with women's issues here. Ethnicity and culture are topics that are rapidly declared to be private matters with no role in the public sphere.

How then can new issues enter the public sphere? When discussing the issue of ethnic minorities, for example, it seems important that persons who feel that their cultural and social needs are not sufficiently acknowledged or who feel oppressed by the state in which they are living, can find a 'momentum' in which differentiation becomes reasonable and which provides them with solid ground to begin mobilizing 'their' people. The first steps are normally taken by more educated minority members who then convince other potential members of the group of the importance of redefining that group. It is only once this 'elite' has defined who 'we' are as 'a people' that the constitution of a group in a democratic manner can begin (Kukathas 1992: 235). Very often, this creation of a democratic elite or activist group is supported by international minority rights which presuppose the existence of a more or less formal representation for each minority (Toivanen 2001). Anthony Giddens stresses that dominant institutions play a crucial role in the process of determining and strengthening one's identity (Giddens 1991). Various relevant institutions set guidelines and borders for the identity formation of a person or a group. The elite construct a specific meaning for institutional establishments and accept these institutional frameworks as relevant resources for their identity. This process of construction is strongly influenced by historical, biological, productive and reproductive institutions, collective memory and personal fantasies, power

constellations, religious revelations, and so on. In this constellation, the ‘public sphere’ is clearly a hegemonic concept because of the open questions regarding who and which kind of diversity are allowed to enter that sphere and form the basis for civil society. Any participation in civil society changes societies themselves and fosters and strengthens democracy; but civil society as such has power structures of its own that control anything willing to enter the public space. This ‘fight’ for recognition, or fight to become visible in the public sphere, is happening today increasingly in terms of rights discourse.

An ongoing debate among feminist theorists has been whether contrasting redistributive practices and recognition adds anything to our understanding of emancipatory praxis. Fraser tends to dichotomize this relationship (Fraser 1995), criticizing multicultural theories such as Charles Taylor’s which, in her view, put too much weight on the symbolic representation of identity as an end in itself (Taylor 2003; Fraser 2008). Iris Marion Young opposes such dual theorization: in her opinion, there is no gain in analysing distribution and recognition as if they are opposing phenomena. By Young’s account, the two are very closely linked and her alternative offers multiple categories. She suggests that by pluralizing concepts of injustice and oppression, culture could be just one of several sites of struggle (Young 1997: 160). Building upon this, she makes the point that people should not suffer material disadvantages because they are culturally different; nor should they derive specific gains from being different.

Young’s model of multiple categories presumes “coalition politics” that require mutual respect between different groups in society. The opposition of economy and culture ignores that struggle is always multi-sited, and seldom is the affirmation of group essence an end itself. For persons affected by discrimination and

exclusion, the struggles against economic deprivation and for cultural recognition often go hand-in-hand (Young 1997; 2000). In order to be able to participate in wider society, the oppressed need recognition of what they are, and the economic and other resources necessary for the way in which they want to live.⁴ This can of course only be a start, and there is a danger that it could lead to another form of oppression where the source of resources also controls how persons represent themselves and their lifestyle. Norms of equality are a key tool for those who demand social and political recognition, but formal equality usually serves only the strongest in a society while helping to control the weak (Honneth 1992; Supiot 2003). Political philosophers who discuss equality issues often ignore potential victims of inequality. However it is especially important to challenge the construction of minority women as passive victims and not to lose sight of the structural and institutional constraints on their ability to act as full members of society (Lister 1997: 4). At the same time, we should not see participation as obligation.

We inevitably stumble upon the concept of power in our rethinking of the concept of effective participation. All along, our understanding of power depends on our value assumptions – both conscious and unacknowledged. Steven Lukes with his intensive analysis of power, offers a critique of such interpretations of power which ignore the real context of struggle (Lukes 1975). Lukes' three-dimensional or radical approach maintains that 'men's wants may themselves be a product of a system which works against their interests' (Lukes 1974: 34). This raises questions about personal autonomy. It is indeed necessary to question the degree to which minority activists voluntarily participate in certain societal settings where the inequality of minority members is obvious. Lukes' approach allows for a deeper, sociological analysis of vital issues such as the ways in which the societal system works to keep certain

groups and issues outside politics, and how minority groups manage nevertheless to remain interested in the integration process. It is also fascinating to try to understand not only political activity but also inactivity, ie, why certain (minority) groups do not even try to get into politics.

Hermeneutics provides help as it involves recapturing the meaning of interacting with ‘others’, and simultaneously recovering and reconstructing the intentions of other actors in the very same situation. Thus, Gadamer advocates dialogue or conversation as a way of uncovering knowledge and reducing the embedded political power in our discourse. True conversation requires that participants are open and equally participative, for hermeneutic sciences involve the fusion of horizons between participants. If critical theory ignores realities, it is doomed to fail for it has misinterpreted presumption for fact.

How can critical theory be helpful when analysing the concept of participation? In the first place, critical theorists have shown us that words have enormous power. Critical theory also asks questions about the excluded and the ‘losers’ of established societies. We must therefore look behind power configurations and ask how hegemonic systems were established and how they are maintained. Secondly, the critical theory approach seeks not only to reveal unfair conditions and relationships but actively demands change. This emancipatory approach calls for spreading information and looking for modes of changes as well as tools for enforcing change. Thirdly, critical theorists, and especially feminists, offer possibilities for understanding the intermingled processes of power delegation. Fourthly, critical theory asks for a deeper, hermeneutic understanding of the specific context in which emancipation should take place and sensitizes individuals to be critical of every piece of “universal truth” they may encounter. Finally, it teaches us that socialized subjects

are not passive objects of anonymous steering processes but actively take part in the complex social processes of integration.

Building on this assessment, an effort is made in the following section to re-read some central documents produced by European intergovernmental organizations in order to develop a critical stance with regard to use of the concept of effective participation in public life.

The effective participation of minorities

In the context of minority protection the concept of effective participation is being used increasingly as a slogan or even a programme for the future of Europe.

Assimilation theories were gradually dismissed as unscientific and assimilation policies failed to right the historical wrongs and to address the equity issues central to the citizenship debate (Hébert 2002). As assimilation policies were dismissed, a new fashionable concept came about: integration. Integration as a concept did not preclude the assimilationist goals of governments towards their minorities, but simultaneously called for attention to be paid to the aspects of minority identities that should not (and could not) merely be wiped away. It was emphasized that minorities should have the right to their own culture and that states should not only respect this but also promote the identity maintenance of minority groups (Scherer-Leydecker 1997). Reality has proved that it is not easy to make integration happen. Many intergovernmental organizations have thus called for a new strategy: participation. Effective participation can be understood as a programme which aims to make integration possible.

During the last decade, various international organizations and institutions have paid increasing attention to problems related to the integration of minorities. Several initiatives have worked to renew the minority rights agenda and to formulate

new categories of rights. In 1992, the United Nations (UN) adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. That same year, the Council of Europe adopted the European Charter for Regional or Minority Languages (hereafter, 'Language Charter'),⁵ followed by the Framework Convention for the Protection of National Minorities (hereafter, 'FCNM') in 1995.⁶ European intergovernmental organizations such as the OSCE, the Council of Europe as well as organs of the EU clearly side with minority cultures, and different cultures and languages have repeatedly been said to form an important part of the European heritage.

In the following, a few of the programmes and obligations agreed to within these European organizations will be examined in order to support the argument that there is a severe need 'felt' in these organizations to 'do something' about minority problems. At the same time, it will be shown that these same organizations are rather helpless when it comes to implementing their goodwill proposals.

The OSCE has been the forerunner in developing positive minority measures. The Vienna Document and the Copenhagen Document⁷ can be seen as breakthroughs in the area of minority protection, as states were able to agree upon standards going beyond existing international minority rights (Bloed 1993; Wright 1996). The goal of the OSCE with its 55 participating states is clearly conflict prevention and security; in this role, the OSCE has paid more attention than any other intergovernmental organization to the importance of the participation of minorities. OSCE minority and human rights protection and promotion programmes aim to foster the participation of minorities at all levels of society. Furthermore, the recommendations of the OSCE's High Commissioner on National Minorities (HCNM) contain numerous references to the importance of integrating minorities (Pentikäinen 2008). In particular, the Lund

Recommendations on the Effective Participation of National Minorities in Public Life provide concrete advice and help in integrating minorities through participation.⁸ In the Lund Recommendations it is stated that “[e]ffective participation of national minorities in public life is an essential component of a peaceful and democratic society” (§ I.1). According to the Lund Recommendations, states should ‘ensure that opportunities exist for minorities to have an effective voice at the level of the central government [...]’ (§ II.A.6); ‘[t]he electoral system should facilitate minority representation and influence [...]’ (§ II.B.9); and ‘[t]he structures and decision-making processes of regional and local authorities should be made transparent and accessible in order to encourage the participation of minorities’ (§ II.C.11). States are also asked to establish advisory or consultative bodies to enable communication between minority and government representatives (§ II.D.12-13). In the framework of the OSCE then, the concept of ‘participation of minorities’ is a formula for creating peaceful societies and for avoiding conflicts between states.

The Council of Europe

One of the central functions of the Council of Europe, with its 46 member states, is to foster protection and promotion of human rights. Its membership is clearly based on the ratification and acceptance of human rights provisions. Its basic treaty, the European Convention on Human Rights (ECHR)⁹ has no explicit minority protection provision, and even Protocol No. 12¹⁰ to the ECHR, which provides for a general prohibition of discrimination, will not change the fact that minority rights are not rooted in the Convention (Åkermark 2002; Dunbar 2001; Francioni and Scheinin 2008). At the same time, the Council of Europe has nearly 50 years of experience

working with national minorities. Today, minority right provisions urge states to take action and to interpret formulations in the broadest possible way. At the same time one must stress that a central actor in the production of European jurisprudence – the European Court of Human Rights¹¹ – has remained rather insensitive to minority needs and adopted a rather restrictive interpretation of minority issues. Sia Spiliopoulou Åkermark has pointed out that, as Central and East European states with large numbers of minorities and a tradition of affirming the distinctiveness of ‘nationalities’ joined the Council of Europe and ratified the necessary documents, the concern for minorities was strengthened in Europe (Åkermark 2002).

The Language Charter (1992) is the first legally-binding international provision that contains a positive formulation on a minority-related sphere.¹² It requires from its signatory states an active fostering of minority languages in all areas of human life. The FCNM (1995) was adopted to transform the political commitments of the OSCE Copenhagen Document from 1990 into legal obligations. Its Article 5(1) is worth citing in its entirety:

The Parties [to the Framework Convention] undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.¹³

The FCNM is the only document in which the importance of the integration of minorities into their respective societies is explicitly mentioned.¹⁴ With regard to membership, this Convention has, in a very short period of time, become one of the most popular human rights instruments: as of August 2004, 39 of the 46 Council of Europe member states had ratified it.¹⁵ The work of the Advisory Committee on the FCNM (hereafter, ‘Advisory Committee’) provides interesting material for an analysis of the development of the meaning of participation (Thornberry and

Estébanez 2004; Hughes and Sasse 2003). Indeed, in its Opinions the Advisory Committee has repeatedly pointed out that the integration of minorities is a highest priority and that this will only become possible when minority members can take part in society on an equal basis with members of the majority.¹⁶ Because the FCNM mentions the concepts of participation and integration, minority activists have high expectations of the work of the Advisory Committee. However, the fact remains that to date the Advisory Committee has not (yet) developed elaborated opinions on *how* effective participation could be fostered.

The European Commission against Racism and Intolerance (ECRI)¹⁷ is a human rights monitoring organ without any treaty basis. Each member state of the Council of Europe nominates one independent expert to ECRI; there are now 46 members. ECRI's work consists of making general policy recommendations, preparing country monitoring reports (ECRI is now engaged in a third round of reporting) and building up relations with civil society. All these fields are interrelated. ECRI's reporting focuses on the situation of immigrants and, since the second round of reporting, on Roma in Europe. ECRI's work is special because its members make direct contact with minority representatives but in clear cooperation with governments; there is no finger pointing. As pointed out by Merja Pentikäinen, in its reports ECRI constantly emphasizes the importance of societal integration as a precondition for social cohesion (Pentikäinen 2008). The reports also contain references to a 'participatory dimension' of integration as ECRI notes that integration policies should ensure that all groups in society have the opportunity to participate on an equal footing. Interestingly, ECRI reports take up a newer formulation of 'mutual integration' which means that not only should the minority undergo an integrative

change but also that the majority should adapt. Participation through mutual integration is ECRI's recipe for social cohesion in European societies.

In 1995 the Directorate of Youth and Sport of the Council of Europe launched a youth campaign: "all different – all equal". During that year it became evident that minority youth were in an especially marginalized position in Europe. Building upon the experiences of that year, an innovative training project – a long-term training course "Participation and Citizenship" – was launched (initially for the years between 1997 and 2001, but extended until at least 2005). The main goal is empowerment of minority youth leaders through support and promotion of the minority youth participation from the local to the European level. Minority youth are seen as a bridge between the past and the future: they should be the ones interpreting integration and interculturality in Europe. Rather tautologically it is further said that '[p]articipation means [...] feeling part of society and [...] being willing and able to participate in it'.¹⁸

At the same time, there are some serious constraints, as participants need to be able to work in English, French or Russian, and be accepted by their organizations in order to be eligible for the courses.¹⁹ The evaluation of the first part of the programme shows the great variety of projects and courses that were initiated in various parts of Europe, aimed at informing minority youth about their rights and possibilities for participation and encouraging local non-governmental organizations (NGOs) and governmental institutions to understand the importance of minority inclusion. The same Directorate also launched a general programme in 2000 to bring human rights into mainstream youth work. The first three years saw multifarious pilot seminars and served to develop more concrete programmes. The main objective of the follow-up

programme for 2003–5 is to empower young people and strengthen civil society and social cohesion in Europe.²⁰

Obstacles were found on two fronts. Some of the minority communities did not accept the programmes steered by the Council of Europe. Similarly, there were local and governmental institutions which rejected the initiatives outright. Minority youth had to create new associations and organize themselves in the way the Council of Europe's Directorate of Youth expected them to, and some participants' claimed that, after the training, they left the minority community to work for international organizations.²¹ Thus, participation is presented as the solution to minority problems in the Council of Europe region but not much attention is paid to the sources of, motivation behind, and consequences of the 'new' empowerment of minorities.

The European Union

The member states of the EU have signed a vast number of treaties to guarantee cultural exchange and democracy. According to the principles of cultural democracy, everyone has the same right to participate in the cultural flourishing of the state they inhabit. The Treaty of Maastricht (1992) as well as the Treaty of Amsterdam (1997) already support the flourishing of cultural diversity. Article 151(1) of the Treaty of Amsterdam states that: '[t]he Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore'.²² The Charter of Fundamental Rights of the European Union states in Article 22 that '[t]he Union shall respect cultural, religious and linguistic diversity' (EU 2000).²³ Even though the states of the EU-15 are generally rather reluctant to agree upon binding principles of

minority protection, their approach alludes to an interest in guaranteeing several groups or political positions defined as ‘cultural’ an active role in the processes of cultural production, consumption and legitimization. The right not to be discriminated against as a member of a specific (national, ethnic, linguistic, religious) group is also established in many European documents, eg, in the Treaty of Amsterdam (Art.13).

Today, there are 38 million people who belong to minorities living in the EU. One pre-condition for enlargement was that applicant states had to fulfil the so-called “Copenhagen Criteria”, set up as accession criteria. These include the renewal and reform of minority rights clauses in domestic legislation. An additional positive consequence of enlargement could be that the participatory rights of minorities will gain even more weight as so many new minority groups have entered the EU, often with a better legal basis for their identity work than minorities in older EU member states. However, the EU itself does not have a coherent minority policy. The European Council did not consider it important even to discuss such a policy. The European Council follows, by and large, the political line created by interstate organizations such as the OSCE and the Council of Europe. These standards have been created to secure stability and peace in post-Socialist Europe (Hughes and Sasse 2003) rather than to strengthen minorities and minority rights as such.

Problems with making participation effective

The specific international legal instruments aimed at protecting minorities do not make special reference to the integration of minorities, with the exception of the FCNM, as Merja Pentikäinen (2004) has shown in her careful analysis. At the same time, programmes aimed at combating racism and discrimination and various programmes for anti-discrimination and human rights education have increasingly

paid attention to the integration of minorities through participation. The difficulties of integrating non-citizens, immigrants and Roma in particular have gained increased attention in Europe. Participation and the problematization of participation concentrate primarily on questions related to citizenship rights and the right to political participation. States have agreed that today there is the political will to help minority groups maintain and even develop their cultural differences further. Participation is a key word in the reports produced by ECRI, the Advisory Committee and other European organs as a means of producing peaceful societies, but the participation concept is used in a very instrumental manner. Gaining citizenship may be the first step towards political participation. However, participation in the sense of participatory parity – meaning that minorities take part in the processes of producing normal state culture and contribute to its legitimization – is necessary if democratization of society is the goal.

When we analyse the materials produced by these intergovernmental organizations and their general policies, we can see that a fair amount of effort is made to provide space for minorities. The issues touched upon in the international governmental organizations are real. Even in very developed European states there are still people who are not able to participate in society in a way that is consistent with expectations of established democracies. An individual cannot participate if they do not know how, if they do not have skills or awareness to take part. The problem is that the member states are not able to implement the programmes they themselves have created. It is not just that members of majorities, as well as of minorities, lack knowledge or awareness; it is much more complicated. There is general confusion regarding how participation would be possible and on what basis. The question that has to be posed is: what are the real obstacles to creating equal opportunities for

everyone to participate in a genuine and effective way in the production of common political guidelines in their respective societies.

Some researchers have pointed out that certain problems seem to be inherent in the ways in which liberal democracies attempt to deal with minority issues and cultural diversity. Traditionally, especially in the course of nation-building, the “democratic way” in which liberal nation states took care of minorities in their territory often meant that minority populations started to disappear either physically or culturally through assimilation under a new hegemonic, nationalist rule. Michael Mann has called this process the dark side of democracies and says that mistreating a part of the population has always belonged inseparably to the nation building and democratization process (Mann 1993). National cultures could only emerge after multifarious local cultures were eradicated. In essence, the hegemonic ideals of the nation-state suppress that which falls outside those ideals, in order to make the creation of that nation-state possible. This means that, for the functioning of a democracy, it is important to deal with its ‘others’, who are considered outside the ‘civil us’. Claus Offe stresses the fact that all democracies have been established through non-democratic decisions (Offe 2004). It seems to imply that minorities are not only an important but even an essential element of – at least Western style – liberal-democratic nation-states, the ‘others’ against which a national ‘we’ is opposed. Here, we might find some hidden reasons for why Western European states in particular have been astonishingly weak when they have dealt (or tried to deal) in democratic ways with rights claims made by minority groups.

The main problem is that not all states and state representatives are prepared to take the steps needed to enable genuine participation of minority groups. This does not necessary mean that state representatives do not want minority participation. The

problem is rather in low levels of awareness among officials on how inclusion policies should be steered to enhance minorities' chances of participation. When state representatives have used concepts of assimilation, then integration, and now largely participation, they have had the very same goal in mind: to create order in society and reduce the potential for conflict. Minorities, no matter how they are defined (by culture, social status, ethnicity, gender, or health) need to be kept "satisfied" so that they do not harbour resentments that ultimately lead them to work against the societal goals of states.

The second problem seems to be that, even when state representatives are committed to the integration of minorities, integration or 'allowing' participation is defined in hegemonic terms; it is not possible to separate the act of giving the chance to participate from paternalistic and other requirements of eligibility. This problem is seldom discussed in public. Yet, we need to ask: what does participation require from minorities as a group and as individuals? Let us distinguish between 'real' participation (as a synonym of effective participation as understood in legal instruments and in this volume) versus 'fake' participation, where minority representatives know that they are not being allowed to participate in a real and effective way. In the latter situation, minority representatives hope that the low-level inclusion they enjoy will give them the strength and opportunity to change society from within and slowly achieve 'real' participation. The hegemonic environment also knows that it is 'fake' participation and hopes that minority members do not realize it. In this way, adaptation or *mimesis* is a key idea within the discourse on participation. The concept of participation as proclaimed by intergovernmental organizations is not neutral, either in its origins or in its goals.

Concluding observation: participation and fairness

The last part of this article returns to the earlier question of whether people *choose* to participate. Is there free will and a conscious decision behind participation as “luck egalitarianism” supposes? When people in a minority position choose to participate, it is interesting to consider their motivations and to try to understand why they do so, even when they know the challenges and degradations they will have to face. In this author’s view, it is hard to imagine that people would voluntarily seek inclusion in a hegemonic space as a rational act. Rather, they probably do so due to the lack of other options, and maybe sometimes in the hope that, once inside, they can change their living conditions in a substantial way.

At the moment when a person starts dreaming of participation, s/he already finds him/herself inside a hegemonic process, as a mimetic ‘machine’ transforms individual wills and wishes. People adapt their cultural self-identification to the norm of the (dominant) state culture. This process always implies an imitation of the ‘anatomy’ of the nation-state as the hegemonic model. Typically, minorities imitate the structures of the majority society, copy its modes of political representation and simulate in their own organizations the institutional structures of the dominant nation. At the same time, those not yet allowed to participate by their own means in the dominant culture develop canons of cultural symbols and resources that follow the logic of the dominant symbols and resources. In the same way as the representatives of the nation-state, the spokespersons of the minority determine the value and hierarchy of ethnic and cultural features. The kind of mimesis described above is not an active and conscious process.

In the process of mimesis, the hegemonic majority society sets the limits for the identity construction of minorities and regulates their interests and the ways in

which they can express their interests. Of course this is not a one-dimensional, “top-down” process; it is much more complex, and the results of the shifting power relationship depend on both (or all) sides. Minorities as well as majorities are also influenced by global factors. In any case, neither whether minorities participate nor how they do so are the result of conscious decisions by minority activists; rather, the hegemonic framework built by those who have the decision-making power shapes the structures and contents of participatory modalities.²⁴

The emancipative power of participation is referred to by numerous intergovernmental organizations. Efforts by governments, as members of interstate organizations, to create opportunities for minorities to participate and to reduce barriers to their effective participation within the wider society should be welcomed. At the same time, we should bear in mind that the logic of participation is never a neutral, powerless act. We should carefully consider the systemic, sociopolitical and cultural obstacles to participation. Minority representatives should be aware of the possible costs and losses to their original agenda that may – and most probably will – take place during the process of inclusion. How much of the initial goal does one have to give up in order to achieve inclusion? Participation can easily mean assimilation, at least on an ideological level. To play someone else’s game is always different to setting the rules. Taking the issue of the multiple, intertwined, hidden and systemic nature of discrimination seriously raises the question of how to overcome the cultural barriers hindering participation, which one may have as a member of a certain minority group. To what extent are we bound by hegemonic normative notions about what constitutes inequality and what does not?

Steven Lukes asks whether social norms that build upon the value system of society are truly accepted by those they concern or whether they simply reinforce

existing power structures and keep those concerned in a static, subordinate status. Critical feminist approaches are useful as they help to understand and answer this question by analysing the current situation of minority movements in an enlarged EU. These theories provide us with tools not only to deconstruct but also to understand the asymmetry of ethnic relations and representation which need to be studied as constituting a fundamental aspect of social life. Minority research should be committed to emancipatory goals, and members of minorities should play a central role in this process through their commitment to research goals. Minority issues, as well as the background and history of minorities, should play a much more central role in the definition of a society (Cohen, Manion, and Morrison 2000: 36–7). Critical feminist theories also inform us about the relationship between state and civil society. They help to raise our awareness of oppression and exploitation as well as of empowerment, equality and representation. They can contribute to the creation of methodological tools to understand the hegemonic function of public space which transforms everything that tries to enter it in accordance with the rules of the hegemonic society. We should therefore insist on the inseparability of theory and practice, private and public, the domestic and the political. One might speak about the need for a renewed decolonization process in all European societies, and by no means only in the new member states of the EU. Minority–majority relationships need to be rethought as hybrids with multiple connections.

There is no solid legal basis in the European legal instruments to force states to foster minority participation. Nevertheless in recent years states have paid extensive attention to the problems of minorities and the need for participation, through various intergovernmental organizations. This article has sought to demonstrate that there is a common will among these state actors to enable minority

participation. But reading through the materials produced by the OSCE, the Council of Europe and the EU gives the impression that something has been forgotten: existing voiceless minorities. The fact that these people have a long history of living among the majority population and interacting with them is ignored. In addition, the structural and institutional constraints and costs of effective participation are left out.

Using critical feminist analysis, many of the documents produced by intergovernmental organizations were re-read with due regard to the idea that the organizations had failed to understand the specific situations in which minority representatives try to get their voices heard. The hegemonic environment does not allow all kinds of interests to enter the public sphere but pre-selects the issues that can be raised and discussed. This is the core issue to which this article has aimed to draw attention. Correspondingly it should be emphasized that, at least on a theoretical level, there are enough similarities between women's movements and ethnic movements for minority activists to be able to draw on examples of how women became visible in the public sphere – with as few “costs” as possible and steering societal changes from the inside.

We could say that both women and minorities face similar challenges in the process of integration. Indeed, programmes and projects aiming at integrating gender as well as minorities issues operate from the premise women and minorities are not yet inside the public sphere. They are expected to require assistance to achieve inclusion. But the fact is that women, minorities and other marginalized groups are actually in the midst of society, influencing and even recreating the public space. Feminist research can be helpful in conceptualizing and formulating new kinds of integration projects, which take as their starting point the fact that marginalized groups are actually part of the centre. In this way, these integration projects would

take the actual situation of marginalization seriously, with its multiple reasons and intertwined consequences. These kinds of programmes would not merely proclaim the importance of the effective participation of certain groups or peoples but would go deeper into questions about what the constraints are that produce marginality (and what kind of marginality) in a given society.

Effective participation is a necessary precondition for an effective democratization process in any society. It is only possible when minority members, as de-essentialized actors, take part in the production of the meaning of concepts such as integration in the societal context.

Notes

- 1 It should be stressed that a comprehensive account of these theories will not be given here. Rather, the author has chosen elements that seem relevant to the understanding of a rethinking of the concept of effective participation.
- 2 In this paper the term hegemony denotes the dominance of one group over other groups, with or without the threat of force, to the extent that the dominant party can dictate the terms of power sharing to its advantage. This means not only economic and political control, but also the ability of the dominant group to project its own way of seeing the world so that those who are subordinated by it accept it as “common sense” and “natural”. Hegemony results in the empowerment of certain cultural beliefs, values, and practices to the submersion and partial exclusion of others.
- 3 Hermeneutics is a scientific method of analysis through the interpretation and understanding of the hidden meanings of the phenomena under investigation (Gadamer 1975).
- 4 For example, Roma people face this difficulty regularly. If they want to keep their traditional Roma costume which is considered an important sign of Roma identity, eg, among Finnish Roma, they are refused access to professions such as hospitality or medical work because of the mandatory dress code. Participation would, however, require that there be enough jobs in which one is allowed to wear the traditional dress and earn one’s living without facing discrimination. Here it is easy to find parallels with other ethnic or religious clothing (eg the headscarf) which create unacceptable barriers to the economic wellbeing of, in particular, minority women.
- 5 ETS No. 148. Opened for signature 5 November 1992, entered into force 1 March 1998. <http://conventions.coe.int/treaty/en/treaties/html/005.htm>. [Retrieved: Feb, 10 2011.]
- 6 ETS No. 157. Opened for signature 1 February 1995, entered into force 1 February 1998. http://www.coe.int/T/E/human_rights/minorities. [Retrieved: Feb, 10 2011.]
- 7 Organization for Security and Cooperation (OSCE), Concluding Document of the Follow-up Meeting 1986–9, Vienna, 4 November 1986 to 19 January 1989 (‘the Vienna Document’). http://www.osce.org/documents/mcs/1989/01/16059_en.pdf, [Retrieved: Feb, 10 2011 Jun, 04 2009.]; OSCE. Document of the Copenhagen Meeting of the

- Conference on the Human Dimension of the CSCE. Copenhagen, 5–29 June 1990 ('Copenhagen Document').
http://www.osce.org/documents/odihr/1990/06/13992_en.pdf. [Retrieved: Feb, 11 2011.]
- 8 This is, however, not a minority rights “instrument” but rather a set of guidelines whose final aim is conflict prevention by means of inclusion and integration. See, eg, General Principle I.1 ‘[...] These Recommendations aim to facilitate the inclusion of minorities within the State and enable minorities to maintain their own identity and characteristics, thereby promoting the good governance and integrity of the State.’
- 9 Convention for the Protection of Human Rights and Fundamental Freedoms. ETS No. 005. Opened for signature 4 November 1950, entered into force 3 September 1953. [Retrieved: Feb, 11 2011.]
- 10 Protocol No. 12 expands the anti-discrimination provision contained in Article 14 of the ECHR. Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. ETS No. 177. Opened for signature 4 November 2000. Protocol No. 12 has not yet entered into force (ten accessions are needed; as of 22 August 2004, it had been ratified by eight member states).
- 11 See the website of the Court at: <http://www.echr.coe.int>.
- 12 Ie, education (§ 8), justice officers (§ 9), administration (§ 10), media (§ 11), all cultural and social events and activities (§ 12), in business and societal life (§ 13) and in border-crossing exchange (§ 14).
- 13 The Explanatory Report to the Framework Convention comments upon Article 5(1) as follows: ‘This provision does not imply that all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities.’ Nevertheless, this formulation leaves an expectation of groups of people carrying these essential elements of their identity with them.
- 14 Many of its articles deal with language protection: the right to use a minority language (Arts. 10 and 11); the official recognition of names in the minority language (Art. 11); to ‘endeavour to ensure’ the use of the minority language before the authorities; to display bilingual signs in the areas inhabited by national minorities ‘traditionally’ or ‘in substantive numbers’ (Arts. 10 and 11); and educational rights in the minority language (Arts. 13 and 14).
- 15 See the Chart of Signatures and Ratifications, as of August 6, 2000.
<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=1&DF=22/08/04&CL=ENG>. [Retrieved: Feb, 11 2011.]
- 16 Eg, in its Opinion on Moldova, the Advisory Committee pointed out that consulting all minorities directly and actively involving them in the identification and practical implementation of policies was beneficial. Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion on Moldova. Adopted 1 March 2002, published 15 January 2003. ACFC/INF/OP/I(2003)002. Para. 40.
http://www.coe.int/T/E/human_rights/minorities. [Retrieved: Feb, 11 2011.]
- 17 ECRI was established by the Council of Europe’s first Summit of Heads of States and Governments in 1993. The ECRI website is at
http://www.coe.int/T/E/human_rights/ecri/.
- 18 Council of Europe, ‘Participation and Citizenship – Training for Minority Youth Projects in Europe’, ed. Yael Ohana: 13. Strasbourg: Council of Europe Publishing, 1998.
- 19 *Ibid*: 13.
- 20 See the website of the Directorate of Youth and Sport at <http://www.coe.int/youth>; and the website of the European Youth Centre Budapest (EYCB), at <http://www.eycb.coe.int>.
- 21 Personal observation during the OSCE Supplementary Meeting on Human Rights Education (Vienna, 25–6 March 2004) where many representatives of human rights

- education NGOs were able to present their work, problems and ideas.
<http://www.osce.org/odihr/meetings/2004/shdm/march/> [Retrieved: Feb, 11 2011.]
- 22 The consolidated versions of the Treaty on European Union and the Treaty Establishing the European Community are available at <http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/ce321/ce32120061229en00010331.pdf> . Retrieved: Aug, 06 2007.
- 23 European Union, Charter of Fundamental Rights of the European Union. Signed in Nice on 7 December 2000. In *Official Journal of the European Communities* C 364 (2000). http://www.europarl.eu.int/charter/pdf/text_en.pdf [Retrieved: Feb, 11 2011.]
- 24 In the case of Sámi people in Northern Europe, it is clear how the Nordic Council and the Nordic States steered the formation of Sámi organizations and co-defined the structures of ‘Sámi civil society’. See Toivanen 2003. Similarly, different Rom associations in the Council of Europe area are now faced with the challenge of creating national representative organizations to send to the European Roma Forum.

References

- Åkermark Spiliopoulou, S. ‘Limits of Pluralism-Recent Jurisprudence of the European Court of Human Rights with Regard to Minorities: Does the Prohibition of Discrimination Add Anything’. *Journal on Ethnopolitics and Minority Issues in Europe* 3/2002.
- Arendt, H. *The Human Condition*. Chicago: University of Chicago Press, 1958.
- Bauer, JR, and DA Bell. *The East Asian Challenge for Human Rights*. Cambridge: Cambridge University Press, 1999.
- Benhabib, S. ‘Models of Public Space: Hannah Arendt, the Liberal Tradition, and Jürgen Habermas’. In *Habermas and the Public Sphere*, ed. C. Calhoun, 73–99. Cambridge: Cambridge University Press, 1992.
- Bloed, A. ‘The CSCE and the Protection of National Minorities’. In *The UN Minority Rights Declaration*, eds. A. Phillips & A. Rosas, 95–101. Turku: Minority Rights Group (International) and the Institute for Human Rights at Åbo Akademi University, 1993.
- Bourdieu, P, and L Wacquant. ‘On the Cunning of Imperialist Reason’. *Theory, Culture & Society* 16(1) (1999): 41–58.
- Cohen, L, L Manion and K Morrison. *Research Methods in Education*. London: Routledge, 2000.
- Cowan, J. K. ‘Culture and Rights after Culture and Rights’. *American Anthropologist* 108(1) (2006): 9–24.
- Dunbar, R. ‘Minority Language Rights in International Law’. *International and Comparative Law Quarterly* 50(1) (2001): 90–120.
- Francioni, F, and M Scheinin. *Cultural Human Rights*. International Studies in Human Rights, 95. Leiden: Martinus Nijhoff, 2008.
- Fraser, N. ‘Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy’. *Social Text* No. 25/26 (1990): 56–80.
- . ‘From Redistribution to Recognition? Dilemmas of Justice in a “Post-Socialist” Age’. *New Left Review* 212 (1995): 68–93.
- . ‘Rethinking Recognition’. *New Left Review* 3 (2000): 107–120.
- . *Social Justice in the Age of Identity Politics*. Cambridge: Cambridge University Press, 2008.

- Fraser, N, and C Calhoun. *Habermas and the Public Sphere*. Cambridge, Mass: MIT Press, 1992.
- Gadamer, HG. *Truth and Method*. New York: Crossroad, 1975.
- Giddens, A. *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Cambridge: Polity Press, 1991.
- Habermas, J. 'Analytische Wissenschaftstheorie und Dialektik.' In *Der Positivismusstreit in der deutschen Soziologie*, ed. WA Adorno: 155–91. Darmstadt und Neuwied: Luchterhand Literaturverlag, 1972.
- *The Structural Transformation of the Public Sphere: An Inquiry into a Category of a Bourgeois Society*. Cambridge, MA: MIT Press, 1989.
- *Between Facts and Norms. Contribution to a Discourse Theory of Law and Democracy*. Cambridge: Polity Press, 1996.
- Hébert, YM. *Citizenship in Transformation in Canada*. Toronto: Univ of Toronto Press, 2002.
- Hogg, MA., and D Abrams. *Social Identifications: A Social Psychology of Intergroup Relations and Group Processes*. London: Routledge, 1988.
- Honneth, A. 'Integrity and Disrespect: Principles of a Conception of Morality Based on the Theory of Recognition'. *Political Theory* 20(2) (1992): 187–201.
- 'Democracy as Reflexive Cooperation'. *Political Theory* 26(6) (1998): 763–83.
- Hughes, J, and G Sasse. 'Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs'. *Journal of Ethnopolitics and Minority Issues in Europe* 1 (2003).
- Kristeva, J. *Strangers to Ourselves*. New York: Columbia University Press, 1994.
- Kukathas, C. Are there any Cultural Rights? *Political Theory* 20(1) 1992: 105–139.
- Liebkind, K. Ethnic identity: Challenging the Boundaries of Social Psychology. In *Social Psychology of Identity and the Self-Concept*, ed. Breakwell, G.M. , 147–85. London: Academic Press, 1992.
- Lister, R. *Citizenship. Feminist Perspectives*. London: Houndmills, 1997.
- Luke, TW, 'Power and Politics in Hyperreality: The Critical Project of Jean Baudrillard'. *The Social Science Journal* 28(3) (1991): 347–67.
- Lukes, S. *Power: A Radical View*. London: MacMillan Press, 1974.
- 'Political Ritual and Social Integration'. *Sociology* 9(2) (1975): 289–308.
- Mann, M. *The Sources of Social Power*. London: Cambridge University Press, 1993.
- Offe, C. Capitalism by Democratic Design? Democratic Theory Facing the Triple Transition in East Central Europe. *Social Research* 71(3) (2004): 501–28.
- Pentikäinen, M. *Creating an Integrated Society and Recognising Differences. The Role and Limits of Human Rights, with Special Reference to Europe*. Lapland University Press, 2008.
- Scheinin, M., and R Toivanen. *Rethinking Non-Discrimination and Minority Rights*. Institute for Human Rights, Åbo Akademi University, 2004.
- Scherer-Leydecker, C. *Minderheiten und sonstige ethnische Gruppen: eine Studie zur kulturellen Identität im Völkerrecht*. Berlin: Berlin Verlag, 1997.
- Supiot, A. 'The Labyrinth of Human Rights.' *New Left Review* 21 (2003): 118–36.
- Taylor, C. *The Ethics of Authenticity*. Cambridge, MA: Harvard University Press, 2003.
- Thornberry, P, and MAM. Estébanez. *Minority Rights in Europe: A Review of the Work and Standards of the Council of Europe*. Strasbourg: Council of Europe, 2004.

Toivanen, R. „Saami People and the Nordic Civil Societies”. In *Civil Society in the Baltic Sea Region* Ed: N. Götz & J. Heckmann. Aldershot: Ashgate, 2003, 205-216.

Toivanen, R. ‘Das Paradox der Minderheitenrechte in Europa’. *SWS-Rundschau* 45(2) (2005): 185–207.

Wexler, P. *Critical Theory Now*. London: Routledge, 1991.

Wright, J. ‘The OSCE and the Protection of Minority Rights’. *Human Rights Quarterly* 18(1) (1996): 190–205.

Young, IM. ‘Unruly Categories: A Critique of Nancy Fraser’s Dual Systems Theory’. *New Left Review* 222 (1997): 147–60.

——— ‘Hybrid Democracy: Iroquois Federalism and the Postcolonial Project’. *Political Theory and the Rights of Indigenous Peoples*. Cambridge: Cambridge University Press, 2000, 237-81.

——— *Inclusion and Democracy*. Oxford: Oxford University Press, 2000.