National Minorities between Protection and Empowerment: Towards a Theory of Empowerment

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It is widely assumed that national minorities can experience a transition from protection to empowerment. This is also the assumption of most normative instruments aimed at protecting national minorities. Theoretically, however, there is no coherent notion of empowerment of minorities let alone a description of the processes that lead to empowerment on the basis of minority protection schemes. Thus, there is a gap in our knowledge of both the concept and its implementation with regard to national minorities. This article seeks to begin unpacking the notion of empowerment and its relation to protection. It provides first a brief overview of the literature on national minority issues arguing that the overwhelming use of the institutional approach has prevented a subjectivist view of national minorities as actors. Next, it examines the existing definitions of empowerment to explore the actor-oriented nature of the concept. In the main section the article begins the journey towards a theory of empowerment, drawing on the work of Elisheva Sadan and a number of other scholars. It focuses on the empowerment of communities, as the aim is to examine minority group empowerment. The second half of the article seeks to connect the theory of empowerment with the notion of rights; the capability to claim rights is of vital importance here. This brings in Amartya Sen and Martha Nussbaum's capability theory. Finally, the article connects the theories with reality, seeking to operationalize empowerment through an analysis of the social structure of protection (European minority rights regime) and collective agency (human and social capital). In the concluding section, it is argued that the structure and agency approach provides a good tool for analysing the transition of minority actors from protection to empowerment. This article is based on a discussion paper circulated to the participants of the workshop on "National Minorities between protection and empowerment: Contemporary minority politics in Europe" held at the European Consortium for Political Research ECPR Joint Sessions of Workshops in Mainz, Germany, 2013.[1]

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The space between protection and empowerment of national minorities has not been defined adequately in the academic literature. This may be due to the fact that the

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protection paradigm holds a hegemonic position in policy-making. Legal instruments and social programmes are written in the mode of protection. Thus, agents of the protection of minorities are governments acting on behalf of the majority, and because governments have the agency to hold control of state power, protection becomes a top-down process. If empowerment is mentioned, it is often perceived as one side of the same coin, and at times the two concepts are used interchangeably. This would indicate that agents of empowerment are also governments acting top-down on behalf of the majority and holding the power to empower someone. How may we then perceive nuances in the relationship between the two concepts, if any? Since both concepts indicate top-down action initiated at the macro level, does this mean that the process does not involve micro-level action? Assuming that minorities are the beneficiaries of empowerment, and that empowerment and protection are provided by the same agents, how may we conceptualize a transition from protection to empowerment? Could one assume that protection is the means, while empowerment is the end? This would confirm the general assumption that a transition process from protection to empowerment takes place.

However, if governments are the agents of both protection and empowerment, how are we to know that minorities actually become empowered, that the end of empowerment is achieved? How do we know whether the end of empowerment differs from the end of protection? The end of protection is usually measured quantitatively and qualitatively in the degrees of improvement of enjoyment of rights, i.e. the extent to which the lives of members of minorities are improved. If empowerment is measured in the same manner, there is no difference in the meaning of the two concepts and the general interchangeable use of the two concepts is correct. Thus, the theory of transition would not be valid. If, on the other hand, we assume that empowerment can be measured differently, the transition thesis may stand.

The notion that national minorities can experience a transition from protection to empowerment is the underlying assumption, and thus the aim, of most international and national rights-conferring instruments and government policies specifically addressing minority protection. The rights-based approach guarantees members of minorities protection against government encroachment on their culture and identity, the right not to be assimilated into the mainstream culture. The process by which this happens is through the adoption of various relevant minority rights schemes in the areas and sectors where minorities are explicitly dependent on their culture and

identity to function as members of society. When governments follow the guidance of international law to ensure these rights, they are protecting minorities. To claim compliance, governments must not only adopt legislation but also implement policies; hence the tandem of instruments and policy. If governments do not seek to implement the laws on the books, they are considered in breach of their duty to protect. In this scenario, a dependency relationship is created which on the surface renders members of minorities inactive in the determination of their own existence. One might argue that the notion of protection portrays minorities as victims, or recipients of a type of entitlement, the entitlement of protection. It brackets minorities as objects rather than subjects of their own lives.

Unfortunately, this paternalistic approach on behalf of dominant groups is mirrored in the academic literature where the view remains largely unchallenged. The protection paradigm is ever present not only in the normative literature but also in the systematic empirical analysis of government behaviour and state/supra-level institutions. However, in reality, the situation is different to that explained in the literature. Ironically, the literature which focuses on protection overlooks the very functional aspect of protection, the dynamics of rights. This is the theory of rights which holds that rights are not efficient unless they are claimed. The aim of this short paper is, therefore, to dissect in broad strokes the concepts related to the idea of transition from protection to empowerment and to begin the journey towards a coherent theory of the empowerment of minorities.

1.   Problematizing the topic

The European international law literature focuses on three aspects of minority protection: justification, interpretation and application. The justification debate centres around the legitimacy of providing special protection (self-determination and collective rights) for minority groups that have experienced strong assimilation policies in the past (Åkermark, 1997; Castellino, 2000; Crawford, 1988; Donnelly, 1989; Felice, 1996; Franck, 1999; Galenkamp, 1993; Musgrave, 1997; Thornberry, 1987, 1991). The interpretation of norms of minority protection centres on the concept of minority rights as a sub-regime of the human rights regime and how this may be operationalized in specific contexts (Ahmed, 2011; Baker, 1994; Fottrell and Bowring, 1999; Freeman, 2002; Hannum, 1996; Jackson-Preece, 2005; Lerner, 1991; Suksi, 1998; Thornberry and Estebanez, 1994). Finally, the application debate focuses

on the technical implementation of protection provisions and standards (Bloed and van Dijk, 1999; Henrard, 2000, 2010; Lantschner, 2009; Packer and Myntti, 1993; Pentassuglia, 2002; Phillips and Rosas, 1995; Thornberry, 2004; de Varennes, 1996; Weller, 2005). A forerunner group to this literature was a group of history scholars (Claude, 1955; Laponce, 1960; Macartney, 1934; Watson, 1990) who were the first to write about national minorities. They wrote in the early to mid-twentieth century focusing mainly on claims that emerged as a result of European history of conquest and border revision. Common to these groups is that they focus on minorities as objects of law and state policies. Protection is seen as a prerogative of the state and the idea of empowerment is hardly mentioned, let alone analysed. Therefore, the question arises whether protection provides a perspective that is able to explain the very aim of the instruments devised to protect minorities.

The political science group of academic literature addresses the institutional aspect of minority protection around four aspects: participation, conflict management, regionalism and emancipation. This literature has begun to bridge the gap between protection and empowerment as a result of the need to understand how the operation of institutions protecting the rights of national minorities functions. The participation group is guided by the right to participation as enshrined in Article 15 of the Framework Convention for the Protection of National Minorities (FCNM) (Rechel, 2009; Weller, 2010) and debates both the rights aspect and the institutional requirements. The conflict management group is rather broad and may be divided into two levels: state and inter-governmental. A number of scholars addressing the state level (Lijphart, 1984; O'Leary and McGarry, 1993) are concerned with state modelling and settling conflicting claims in deeply divided societies through consociationalism, while another group is concerned with the international relations aspect of settling conflict through inter-governmental co-operation (Brosig, 2006; Galbreath, 2005; Galbreath and McEvoy, 2012; Jackson-Preece, 1998; Malloy, 2005).

The regionalism group (Keating, 1988, 1998; Keating and McGarry, 2001; Klatt, 2006; Malloy, 2008) debates the issue from a regional perspective as well as a territorial management perspective and the need to include national minorities in the European picture of integration. This group of literature addresses a number of practical issues of protection and thus begins unpacking the transition process. Finally, the emancipation group, a sub-group of political theorists (Carens, 2000; Kymlicka, 1995; Tully, 1995), has debated the institutional aspects from the point of

view of domination and the need to preserve minority cultures. Within this strand, one could include a group of political philosophers (Phillips, 1995; Taylor, 1995) that has addressed minority protection in terms of personal autonomy and identity and the need to morally recognize cultural groups. With the exception of the philosophical approach and perhaps the literature on regionalism, there is little focus on minorities as individual group actors. This is highly problematic from the point of view of the European liberal ideal of individual autonomy. Therefore, analysing minority issues from the perspective of institutions also misses the mark.

What is needed is a theory that brings members of minorities into the equation as actors, subjects of their own lives, through an epistemology that compiles knowledge on the basis of human action and agency. This, I believe, would begin to answer some of our questions. In the next section, I will examine first the core concepts of protection and empowerment through the received knowledge as espoused in authoritative dictionaries in order to identify the central aims of these concepts. Next, I turn to one of the very few theories of empowerment offered in the literature, a theory explained by Elisheva Sadan in her book, *Empowerment and Community Planning: Theory and Practice of People-Focused Social Solutions* (1997, 2004 in English).[2] Finally, I will try to connect these observations to the European minority rights regime of protection.[3]

2. Defining the concepts

The aims of actions of protection and empowerment are defined in a number of dictionaries of good repute. The Merriam-Webster (MW) dictionary defines protection as (1) supervision or support of one that is weaker, or (2) immunity from prosecution. According to the Oxford Advanced Learner's Dictionary (OAL), protection means to protect someone from harm, whereas the Free Dictionary online (FD) considers protection (1) a legal or other formal measure intended to preserve civil liberties and rights, or (2) a document guaranteeing immunity from harm to the person specified in it.[4] The Oxford Dictionaries online (OD) holds that protection is the action of protecting someone or something, or the fact or condition of being protected in terms of shelter, defence, or preservation from harm, danger, damage, etc.[5] Thus, in focus is guardianship, care or patronage. It is quite clear from these definitions that protection is a one-way process involving proactive providers and passive recipients.

With regard to empowerment, the MW provides that it means (1) to give official authority or legal power to someone, or (2) to enable, or (3) to promote self-actualization. The OAL defines empowerment as giving lawful power and authority to somebody to act, whereas the FD holds that it means (1) to invest with power, especially legal power or official authority, or (2) to equip or supply with ability, to enable someone. The FD further argues that although it is a contemporary buzzword, the word "empower" is not new, having arisen in the mid-seventeenth century with the legalistic meaning 'to invest with authority, authorize'.[6] Shortly thereafter it began to be used with an infinitive in a more general way meaning 'to enable or permit'. Both of these uses survive today but have been overpowered by the word's use in politics and pop psychology. Its modern use originated in the civil rights movement, which sought political empowerment for its followers. The word was then taken up by the women's movement, and its appeal has not flagged. Since people of all political persuasions have a need for a word that makes their constituents feel that they are or are about to become more in control of their destinies, "empower" has been adopted by conservatives as well as social reformers. It has even migrated out of the political arena into other fields.

The OD defines empowerment as (1) the act of giving (someone) the authority or power to do something, or (2) to make (someone) stronger and more confident, especially in controlling their life and claiming their rights.[7] The definitions of empowerment seem to repeat the one-way process involving proactive providers and passive recipients/beneficiaries. Moreover, while they allot more actor-oriented capacities to the beneficiaries, they still define empowerment as a top-down process.

Another concept that surfaces occasionally in the literature is emancipation. According to the same dictionaries, emancipation is defined by the MW as the act of freeing from restraint, control, or the power of another, to free from bondage, to release from paternal care and responsibility. The OAL defines it as the act of setting someone free from political, legal or social restrictions, while the FD defines it as the freedom from bondage, oppression, or restraint; to liberate, (law) to release (a child) from the control of parents or a guardian.[8] The OD brings in the process by defining it as the fact or process of being set free from legal, social or political restrictions, a type of liberation, like the social and political emancipation of women and slaves.[9] Thus, emancipation also seems to follow the paternalistic focus and the one-way process orientation and the view that beneficiaries are objects rather than subjects.

Overall, these definitions seem to indicate that if there is a *process* of transition, it is clearly determined by actors in power to initiate the transition, not by the beneficiaries. Moreover, while dictionaries define the transition process in terms of a means to an end, they do not provide any profile of the subjects of the end.

However, if one turns to the development literature, a very different definition is provided. The World Bank uses a definition which contains some indication of beneficiaries as actors by defining empowerment as:

> The process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions which both build individual and collective assets, and improve the efficiency and fairness of the organizational and institutional context which govern the use of these assets.[10]

Here is clearly a focus on the capacity of the beneficiaries as actors who make choices and take action on the basis of choices. This is not surprising since the World Bank relies in much of its work on the so-called "capabilities approach", a theory devised by Amartya Sen and Martha Nussbaum (1979, 1999; 2000). This is a very sophisticated theory connecting the economics of development with human rights. In the following, I will link this theory to our aim to find a coherent theoretical approach to empowerment.

3.   Between protection and empowerment

Having established that the transition from protection to empowerment must include the beneficiaries as actors and subjects of their own lives, Elisheva Sadan's theory of empowerment provides a very practical approach to understanding the process because she brings in the aspect of power (1997, 2004). What is significant about Sadan's approach is that *it takes its starting point in power, not in rights*. But Sadan does not apply a simple conception of power such as the one implied in the dictionary definitions. Sadan draws on theories of power of John Gavanta (non-resistance, powerlessness), Steven Lukes (three-dimensional power), Michael Mann (organizational outflanking), Stewart Clegg (circuits of power), Michel Foucault (knowledge/power), and Anthony Giddens (duality human agency/social structure). On the basis of these thinkers, she argues that the concept of power is essentially contested (Sadan 2004: 70). She suggests, however, that power has to be acquired and exercised; thus, it is a matter of authority. She also argues that power belongs both to

an individual and the collective, and yet it cannot be attributed to anyone; thus, it is a quality of social systems. Moreover, power involves conflict although it does not involve conflict in every case; however, it presupposes resistance, so it has to do with obedience. Since, power is both resistance and obedience; it is connected with oppression and rule. Finally, Sadan argues that power is productive and makes development possible.

Drawing on these observations Sadan begins to theorize empowerment. Firstly, she identifies four ideological approaches to discussing empowerment: (1) the ethnocentric approach seeking solutions to social problems of ethnic minorities; (2) the conservative liberal approach seeking to revive the responsibility of the community; (3) the socialist approach demanding equity and social responsibility; and (4) the professional implementation of the democracy approach which attempts to integrate the first three (Rappaport, 1981, 1985, 1987).

Next, Sadan further develops her discussion at three levels of action (2004: 75, 133). First, there is the concept of *individual empowerment*, which focuses on what happens at the personal level in the individual's life; it is a transition from feeling powerless to an active life of real ability to act and to take initiatives in relation to the environment. Second, there is the idea of *community empowerment*, which emphasizes the collective processes and the social change; it is realized in geographically defined areas that constitute the common critical characteristic of their residents, or it can develop in groups with other common critical characteristics, such as origin, age, gender or physical disability. And third, there is the notion of *empowerment as a professional practice*, which sees empowerment as a means of professional intervention for the solution of social problems. It means placing the profession at the service of processes that empower people through the professional's rational decisions about strategies and ways of action.

These three levels of action are intrinsically interlinked, but for the present purpose I will concentrate on *community empowerment*. Individual empowerment is addressed richly in the literature on political philosophy and social and political theory (Taylor, 1995; Tully, 1995; Walzer, 1984) and, as we shall see, in development theory (Nussbaum, 2000; Sen, 1979). Empowerment as a professional practice is less coherently developed but is increasingly addressed in the debate on epistemic communities (Adler, 1992; Dowding, 1995; Finnemore, 2003; Galbreath and McEvoy, 2012; Haas, 1992; Radaelli, 1995; Sebenius, 1992; Verdun, 1997) and the

more recent discussion of norm entrepreneurship (Jackson-Preece, 2012). The aim of Sadan's book is to develop this particular strand of empowerment with a view to supporting community professionals in designing strategies for community empowerment. Although this is not the focus here, it is relevant to note her observation that professionals should learn to shift from:

> […] the passivity and the objective professionalism *of therapeutic intervention* in the lives of people with *multiple problems* to an active involvement of collaborative work with people who need more control over their lives and environments. The aim is to learn how to improve the situation and the quality of life of all the people living in the planned environment. (Sadan, 2004: 308)

4. Collective empowerment

Specifically with regard to empowerment of communities, Sadan identifies a number of political aspects conducive to collective agency and organizational skills (in addition to the characteristic noted above). For example, collective agency can exhibit resistance to injustice, deprivation, lack of resources and access, opportunities (Sadan 2004: 106); it can react to conflict, inclusion/exclusion, unresolved disputes (*ibid*: 107), and it can produce collective awareness about strengths/weaknesses, constraints from outside sources. With specific regard to empowerment of ethnic minorities, Sadan argues that there are two aspects of minority existence that require examination in order to speak of empowerment (*ibid*: 95). First, there is the need for control required by groups that live in conditions of permanent marginality (drawing on Gutierrez and Ortega, 1991; Solomon, 1976), and second, there is the need for (cultural) autonomy in order to restore the lost dignity of the group and for it to continue living in frameworks that allow preservation of culture, language and traditions (drawing on O'Sullivan, Waugh and Espeland, 1984; and Rivera and Erlich, 1984).

Empowerment thus takes place in the social sphere. It connects the macro and micro in a non-organic manner, the micro level representing the individual and the macro level representing the community. The micro and the macro levels are seen as connected because "the personal is political" (feminism), and because of the dependence on one another in a holistic, transactional sense (environmental psychology). The latter moreover creates a situation of constant social change. This process of social change belongs to all, not only dominant groups but also powerless

groups. Finally, empowerment as part of social change within a social structure is seen as human action made possible within the boundaries of the social structure in which it takes place (structuration).

Thus, Sadan arrives at a meta-theory of empowerment, which she argues is contextual. Drawing on Giddens, she holds that empowerment entails 'the transition from powerlessness to more control in life as a change in both human activity and the social structure. Powerlessness is a social phenomenon that has structural aspects which are rooted in the power relations and the disempowering practices that originate in the social systems' (Sadan, 2004: 166). Specifically, with regard to community empowerment, she argues that '[c]ommunity empowerment is human activity that has structural and organizational aspects, which are aimed at changing social systems and creating structural alternatives' (*ibid*: 143).

Moreover, community 'empowerment takes place when expectations for change […] begin to materialize' (*ibid*: 147). Drawing on two sources, the individual (autonomy) and external change agents (epistemic networks), the community operates in the existing social structures of politics, democracy, law and power relations. The dynamics of this process may be characterized as circular (Giddens) or dialectic (Foucault). The human experience process may, however, be described linear as follows: Frustration → Discovery → Acquiring of resources and developing ability → Development of collective agency → Defining strategy and activities → Mobilizing resources including networking with professional sources → Achieving outcomes, control of destiny, participation in decision-making, influence the environment.

Sadan explains that the concept of empowerment rests on certain assumptions about society and human existence. It assumes that empowerment has to be adapted to people, not the other way around (*ibid*: 112). It includes language, ideology and action. And it is based on the recognition that a potential exists in every person, but that the social context determines the potential. It also presumes change; that the need for change is an inseparable part of social life (*ibid*: 114). Moreover, it presumes dialogue and the fact that the human condition is complex, fluid and constantly changing. Thus, it believes that people can develop skills and abilities. Finally, it is ecological in nature in that the environment is always a part of the process.

Using Sadan's theory creates some questions. Specifically, she seeks to address the level of community in terms of both the geographic space, which can mean a territorial space where several groups live, and the cultural space, which refers

only to one group. For both these levels she uses identical tools although she is aware of the problem of 'communities within communities' (*ibid*: 234-37). This is the distinction between the political and the sociological approaches noted in the beginning. Nevertheless, if one thinks of empowerment starting with the individual acting to mobilize jointly with a group, be it the geographic community or the cultural minority, it is feasible to use identical tools of action. The aim of empowerment, not the aim of power, is the determining factor.

5. Combining empowerment and rights

Given that our aim is to understand minority empowerment from the perspective of protection and the rights awarded to minorities, especially at the international European level, Sadan's theory based on power needs to be put in connection with a theory based on rights. Rights demand a two-way process that identifies the relationship between the rights-holder and the duty-bearer. With the exception of rights defined on a negative notion of non-interference, as in the case of non-discrimination where the rights-holder needs not act to enjoy the right, minority rights protection schemes are usually defined on a positive notion of affirmative measures. Thus, the positive rights to minority education, to preservation of identity and culture, to individual autonomy of choice, to participation and to self-government do not protect minorities unless they are claimed by minorities. And in so far as minorities claim these, they are no longer merely objects of protection, but act as the subjects of the aim of minority protection. In other words, when minorities mobilize on the basis of protection schemes by claiming their rights and calling on duty-bearers to take responsibility, they move towards the goal of empowerment. This process involves autonomous actions of an individual and collective nature in order for the agent to become empowered.

The phenomenon is most eloquently described in the "capabilities approach" conceptualized by Sen and Nussbaum in the 1980s and 1990s. The capabilities approach is usually discussed in terms of distributive justice, or how individuals achieve equality through a right to development. Sen argues that it is not enough to focus on how people become equal, be that through receiving extra resources or opportunities; we should also pay attention to what capabilities individuals have when putting these distributed goods to work (1979, 1999). This is an action-oriented notion of equality as opposed to most other types that are recipient-oriented. According to

Sen, in evaluating if a person is equal, it is necessary to assess whether she has the capabilities to use and maintain the conditions that distributive goods would afford her. The capabilities approach thus emphasizes functional capabilities or what Sen calls, "substantial freedoms", such as the ability to live to old age, engage in economic transactions, or participate in political activities. These are construed in terms of the substantive freedoms people have reason to value, instead of utility (happiness, desire fulfilment or choice) or access to resources (income, commodities, assets). Thus, emphasis is not only on how human beings actually function but on their having the capability to function in important ways if they so wish. Someone could be deprived of such capabilities in many ways, e.g. by ignorance, government oppression, lack of financial resources or false consciousness. This approach to human wellbeing emphasizes the importance of freedom of choice, individual heterogeneity and the multi-dimensional nature of equality.

The capabilities theory has, however, been deemed rather ambitious as it is virtually impossible to measure capabilities and hence to assess whether a person is equal. To alleviate this problem, Martha Nussbaum has augmented Sen's theory with a list of foundational capabilities (2000). The list is a set of basic principles, and adequate measures thereof, which she argues would fulfil a life of human dignity. Nussbaum frames these basic principles in terms of ten capabilities, i.e. real opportunities based on personal and social circumstances thus bringing together equality of opportunity with equality of status. These ten capabilities include aspects of Life, Bodily Health, Bodily Integrity, Senses, Imagination, and Thought, Emotions, Practical Reason, Affiliation, Other Species, Play, and Control over One's Environment. The similarity here to the human dignity conditions protected by universal human rights is obvious. Bringing in the development of the individual's capacity to act alone or jointly on the basis of capabilities protected by rights allows for Sadan's theory to meet with the rights-based approach.

6.   Operationalizing empowerment of minorities

Putting these conceptual and theoretical observations into contact with the European approach to accommodating national minorities through protection requires that we identify (1) the social structure and (2) the collective agency. *The social structure* may be described in terms of the larger European discourse (Laclau and Mouffe, 1985; Torfing, 1999) on accommodation and integration of minorities in the quest for peace

and security in the region. Since there was no social structure prior to World War I and only a very weak one between the wars, the social structure of relevance is the international formation of the human rights regime after World War II and the subsequent emergence of a minority rights regime in Europe. In addition to the normative structure, the ideological forces as they developed during and after the Cold War also need to be taken into account. This thus includes the ideals of European integration as a peace preservation project.

Elsewhere I have argued that the accommodation of national minorities after 1989 took a three-pronged approach (Malloy, 2005). The first was the most urgent and was to stop ethnic conflict in the former Yugoslavia and the Soviet Union. Addressing minority concerns became a way to prevent conflict and to resolve it by engaging with the grievances of the minority, state and often kin-state. At the institutional level, this was addressed mainly by the Conference on Security and Co-operation in Europe (CSCE) (later the Organization for Security and Co-operation in Europe - OSCE). The second was in service of democracy and human rights. The assumption here was that minority protection was a fundamental part of basic democratic governance. This was addressed mainly by the Council of Europe. Finally, national minorities could be seen through the prism of European integration. If the European Union (EU) were to expand, the minority question would need to be addressed satisfactorily by the EU and member-states. This became the EU conditionality approach which addressed minority protection in the acceding states but not within the existing structure of the EU.

The social structure moreover includes the approaches taken at the state level. This level is actually the more important in that it provides the sphere for devising indicators and eventually the contours of whether the end of minority protection, empowerment, is taking place. Most importantly, it provides for the study of both the institutional situation and that of the beneficiaries, the minorities as the actors making choices about their situation. The state level is difficult to operationalize in this short space. It involves the gamut from advanced models of empowerment through self-government to simple structures of consultation mechanisms and processes, non-discrimination not included.

Collective agency at the community level refers to the ability of minorities to muster organizational skills to mobilize. This is a complex area of study as it involves, as noted above, both the individual and the collective levels. At both levels it involves

the emergence of resistance to injustice, to deprivation, and to the lack of resources and access as well as opportunities. Thus, collective agency develops in response to a perceived conflict creating a societal dichotomy of inclusion/exclusion, and especially the inability to find resolve of disputes. At the collective level it requires awareness about strengths/weaknesses of the group and the perception of constraints from outside sources. It therefore involves the study of two types of capital: human and social capital. Human capital is relevant in terms of the ability of the individual member of a minority to raise her awareness about her situation and compile human capital in support of action. Social capital is relevant in terms of individuals forming and joining groups mobilizing for joint action.

To recap, *social structure* refers to institutions at the macro state/inter-governmental level which heretofore have created a hegemonic discourse around protection and top-down approaches to empowering minorities as objects of protection. *Collective agency* refers to acts and action based on individual and collective autonomy focusing on choice and subjective action. In so far that it takes place at the micro level, it is the basis for a bottom-up approach. A theory that seeks to conceptualize minority empowerment is therefore not coherent if it does not combine the macro and the micro, the study of both objects and subjects and a two-way process.

Conclusion

On the aim of studying structures and agencies, and situating minority actors in these, Sadan warns that the role of the investigator determines the outcome: 'When the researcher analyzes power relations from the institutional point of view she puts herself in danger of seeking explanations and sources in the institution itself; i.e., of explaining power by means of power' (*ibid*: 63). Perhaps this is also the case in point for the existing literature on the protection of national minorities? As I pointed out in the discussion of the *status quo,* an institutional approach to examining minority protection condones the hegemonic power structure of minority–majority relations and overlooks entirely the agency of individuals and groups. This paper has proposed that addressing the agency of minority actors is long overdue because the space between protection and empowerment cannot be defined by only examining one of the two components, i.e. protection through institutions. I have suggested, therefore,

that the interplay between protection and empowerment needs a theory of empowerment.

To begin unpacking this relationship, I have drawn on Sadan's theory of empowerment. Seeking out authoritative definitions of empowerment, I arrived at a notion of process as description of the phenomenon; however, I lacked a reference to the subjects to be empowered. This I found in Sadan's treatment of community empowerment which connects the micro (the individual) and the macro (group) levels of communities in a process of assuming power over own fate through structural and organizational activities aimed at changing social systems. In short, empowerment is a social phenomenon. Realizing that I could not neglect the European minority protection regime from my analysis, I sought to combine empowerment and rights through the capabilities theory proposed by Sen and Nussbaum. In so doing, I arrived at the, for sociologists, not surprising fact that social *structure* and collective *agency* are two vital requirements in assessing the inter-relations of almost any human or political phenomenon. But there is more to understanding minority empowerment than structure and agency. One must also study the individual's actions within the collective; one must study minorities both as subjects and objects, and finally, one must examine the phenomenon as a multi-directional process. This is the beginning of a theory of empowerment.

Notes

1. The author, who was one of the co-organizers of the workshop, would like to thank the *Deutsche Forschungsgesellschaft* for its financial support.
2. Available at http://www.mpow.org/elisheva_sadan_empowerment_spreads_intro.pdf. Retrieved: January 26, 2014.
3. While it is not normally prudent to argue that the definition of a minority is not relevant, this paper does not make a political distinction between types of minorities. An action-oriented theory of empowerment is an analytical tool used to determine sociological developments. At a later stage it might be refined to fit specific political situations.
4. Available at http://www.thefreedictionary.com/protection. Retrieved: February 6, 2014.
5. Available at http://www.oxforddictionaries.com/definition/english/protection?q=protection. Retrieved: February 6, 2014)
6. Available at http://www.thefreedictionary.com/empower. Retrieved: February 6, 2014.
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