

**Indigenous Peoples Escaping Multiculturalism**  
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**Introduction**

As much as indigenous people colour the cultural mosaic that multiculturalism paints, their indigeneity places them outside of multiculturalism on several fronts. As first inhabitants indigenous peoples have contentious claims on the state that are not shared by other cultural groups. In other words, Indigenous peoples exist outside of multiculturalism because their inclusion would fail to recognize their unique claims. Second, indigenous groups were marginalized because their cultural practices left them outside of mainstream society and its accompanying rights. Groups that were excluded from social rights experience greater difficulties ‘catching up’ in meeting the demands of living in the contemporary world (Marshall 1998). Third, the urban transition of indigenous groups impacts on their collective capacity (Sen 1993) and accentuates their marginalization to the extent that these groups are essentially communities in crisis rather than the cultural communities that multiculturalism applauds. For these reasons indigenous groups emerge as ‘atypical minorities’ to acknowledge their historical exclusion from social rights coupled with their present day challenges for recognition of their indigenous life ways as they transition to urban centres. Atypical minorities are defined as indigenous groups that were denied social rights due to their lifeways that separated them from mainstream society and attaining social rights as they make their urban transition in the present day challenges their claims to their lifeways and is exacerbated by their marginalization. National self-perception and commitments to multiculturalism in Canada and Ireland missed atypical minorities on three fronts. First, they overlooked their atypical minorities. Second, they missed the fact that they overlooked them. And third, their atypical status in itself places them outside of an equivocal relationship with other cultural groups. Revisiting their encounters with mainstream society we can trace how and when atypical groups, indigenous to their respective countries, were excluded from social rights and the impacts this had on their collective capacity to sustain their lifestyle choices. For Aboriginal peoples in Canada, colonization and its governing mandate failed to accommodate their urban transition where over half of them live in the present day. For Travellers in Ireland, their nomadism made them conspicuous and effectively removed them for the most part, from government regulation until their urban transition starting in the post-Second World War era. Marginalized from mainstream society, these groups depend on the third sector, not only as social service providers, but as a voice to advocate on behalf of their interests. These interests include, but are not confined to, the choice to pursue lifestyles that they identify with and have been recognized by the state. Essentially, what escapes multiculturalism is its inability to come to terms with the challenges of the exclusion and resulting marginalization of atypical minorities that share urban spaces with the accommodation of other cultures. By analyzing communities in crisis, specifically urban Aboriginal peoples in Canada and Travellers in Ireland, we see how multiculturalism escapes atypical minorities. This paper will lay out the advocacy settings that describe the aspects of urban Aboriginal peoples and Travellers that contribute to their case selection as atypical minorities by specifically addressing their marginalization, capacity and the role of the voluntary

sector. First, it will explain how these groups came to be marginalized informed by Marshall's theory of citizenship and applied to colonization of Aboriginal peoples and the failure of the accommodation of nomadism for Travellers. Second, informed by Sen's theory of capability, it will address how their marginalization impacts on their capacity to attain quality of life and make choices regarding lifestyle preferences. Third, as a liaison between atypical minorities and mainstream society the role of the third sector will provide the third element of advocacy settings. The conclusion will bring together the advocacy settings that place atypical minorities outside of multiculturalism.

## **Marginalization**

Marshall's theory of citizenship and inequality provide a framework to comprehend how the exclusion of groups impacts on their marginalization. Marshall (1998) claimed that a full citizen is recognized via civil, political and social rights (i.e. labour rights, education and security of income), and that the possession of full rights is linked to social class, which is a system of inequality. When Marshall claims that "[s]ocial rights were at a minimum and were not woven into the fabric of citizenship" (Marshall 1998, 107) he means that citizenship did not guarantee social rights. Social inequality, Marshall explains, is necessary because it "designs the distribution of power. But there is no overall pattern of inequality, in which an appropriate value is attached, a priori, to each social level. Inequality therefore, though necessary, may become excessive" (Marshall 1998, 103). In addition to explaining how groups are excluded from social rights, Marshall demonstrates how attempts to access social rights are exacerbated by their former exclusion (Marshall 1998, 105-106). In other words, marginalized groups experience greater difficulties in catching up to the social rights of mainstream society in meeting the new demands of living in the modern world. It was only when external forces altered the traditional lifestyles of these groups that their exclusion from social rights became apparent. Compounding the problem of exclusion was the realization that as social rights increased those who were excluded ended up further behind and experienced even greater challenges in attaining their social rights.

Marshall explains that citizenship is composed of three elements: the civil element which enables individual freedom through liberties such as freedom of speech, the right to own property and the right to justice; the political element which is the right to participate in political institutions; and the social element which ranges from the right to economic welfare and security to the right to live as a civilized being according to prevailing norms of society (Marshall 1998, 94). In early times the civil, political and social elements were blended together but they eventually separated to such an extent that the formative period of each element took place in different centuries: civil rights in the eighteenth century; political in the nineteenth century; and social in the twentieth century (Marshall 1998, 96). Even though these elements remerged these institutions did not uphold a principle of equality of citizens to balance the inequality of the classes (Marshall 1998, 94). For example, education and its emphasis on occupational training enabled citizenship to operate as a means of social stratification. The consequence of this structure is that the occupational status acquired by education becomes legitimized, because it has been facilitated by institutions created to grant citizens their rights (Marshall 1998, 109). Those left outside of citizenship were left out of education and economic opportunity. Informed by Marshall this section will assess how the exclusion of social rights impacted on the marginalization of Aboriginal peoples and Travellers by analyzing events since the late nineteenth century.

## *Aboriginal Peoples*

Aboriginal peoples in Canada were left outside of citizenship in the nineteenth century and attempts by the state to bring them into citizenship were attempts at assimilation into mainstream society. These attempts, however, actually displaced Aboriginal peoples from mainstream society. One major attempt to assimilate Aboriginal peoples was residential schools. They were established in 1870 by the federal government assisted by various denominations of Christian churches, as a pervasive means to forcibly remove Aboriginal children from their traditional ways and languages by dislocating them from their families and familiar surroundings. Aboriginal children were assimilated by an education that emphasized learning English or French and prevailing domestic and industrial skills that sought to re-socialize Aboriginal children: “the 'savage' was to be made 'civilized', made fit to take up the privileges and responsibilities of citizenship” (RCAPv1 1996, 335). By the mid-1980s, it was publicly recognized that the residential school experience, not only undermined, but continued to undermine Aboriginal peoples. Many adult residential school survivors possessed the tragic symptoms of the ‘silent tortures’ that continued in the communities to which they returned. In 1990 a chief of Albany First Nation reported: “Loneliness, knowing that elders and family were far away. Loathing from learning to hate oneself, because of repeated physical, verbal or sexual abuse suffered at the hands of various adult caretakers. This is only a small part of the story” (Milloy 1999, 295). “By the late 1940s, four or five generations had returned from residential schools as poorly educated, angry, abused strangers who had no experience in parenting. They were aliens... who formed no bonds with their families,” Spallumcheen leader Cinderina Williams wrote in a study submitted to the Royal Commission on Aboriginal peoples in 1994. “Perhaps the greatest tragedy was...[by] not being brought up in a loving, caring, sharing, nurturing environment, they did not have these skills; as they are learned through observation, participation and interaction. Consequently when these children became parents, and most did at an early age, they had no parenting skills. They did not have the capability to show affection. They sired and bred children but were unable to relate to them on any level” (Fournier and Crey 1997, 82-83). Residential schools were among the most damaging of the attempts at educating Aboriginal children into mainstream society the consequences of which still affect their lives today (Milloy 1999, xiv). The residential school experience directly affected those who were educated through its system and those who were indirectly affected through the collective loss of parenting skills.

Aboriginal peoples fell behind mainstream society in educational attainment on several fronts. First the residential school experience sought to educate younger generations into mainstream society was considered a failure (Kirmayer et al 2007). Second, educational institutions and mainstream society failed to acknowledge the traditional skills acquired by Aboriginal peoples to sustain their culture and ensure their survival. This includes the importance placed on oral traditions and storytelling. Third, the urban transition made education more of a contentious problem because employment in cities required formal educational standards that Aboriginal peoples had not attained and these standards failed to recognize Aboriginal traditions and skills.

Attempts to bring Aboriginal peoples into mainstream society through education actually exacerbated their access to social rights. As much as the residential school experience sought to educate a younger generation of Aboriginals which Marshall considers key to acquiring social rights children were left further behind. Most children returned to their families and lacked the

traditional skills and languages to function in their home communities. Residential school survivors had the potential of acquiring social rights but were left in communities where rights were not recognized. Following Marshall, we can see how the further distancing of Aboriginal peoples from mainstream society and citizenship placed them at further disadvantage to acquire social rights essential to participate in society. Having lower educational attainment compared to mainstream society, Aboriginal people demonstrate how the attainment of social rights is a process that takes place over time. In other words, groups that are undermined in acquiring social rights take proportionately longer to attain them.

### *Travellers*

Traveller culture, specifically nomadism, contributed to their separation from society. Over time, Travellers were consciously kept out of mainstream society which diminished their access to social rights. The urban transition of Travellers since the mid twentieth century not only accentuated their exclusion, but has challenged the rights of Travellers and as such has exacerbated the tensions of the relationship between Travellers and mainstream society. This has impacted on social rights such as housing, welfare and education. This section will look at Travellers and nomadism, selected legislation that impacted on the exclusion of Travellers from social rights and their urban transition.

Since Irish independence in the 1920s Travellers were ignored in policies and legislation which contributed to their separation from society. Travellers were not subjected to sustained state control because government ignored them when legislation pertained to them. Government also had difficulty categorising them within departmental responsibility. Travellers, whether on the road or residing in urban housing remained 'other'ed. When individuals are recognised as Travellers they are arbitrarily refused entry or access to shops, pubs and restaurants and may experience physical and verbal abuse. They have difficulty obtaining hotels for wedding receptions. They experience segregation in the provision of social welfare services (O'Connell 2002, 57).

The settlements of sedentarized Travellers are popularly known as 'Traveller sites.' Sites are awarded under licence agreements to 'compatible' groups of Traveller families, represented by a senior male figure, following negotiations over the type of accommodation to be provided and the conditions of occupancy. Hoare observes that Travellers are at a disadvantage in these processes, and are frequently forced to accept terms, locations or structures they find repugnant (2005, 73). The decision by a local authority to create a residential settlement for a group of related families may result from a court ruling in their favour following attempts to eject them from an informal settlement where they have become established. Travellers provide their own living accommodations on some sites, in the form of trailers or chalets. In other cases local authorities construct 'service units', consisting of a small brick structure per family 'bay', containing a kitchen and bathroom. In this arrangement each family uses one or two trailers for sleeping. Some social housing sites have houses for each family where the keeping of trailers is strictly prohibited (Hoare 2005 74). In addition, Travellers are subjected to control and restriction which extends beyond that imposed on non-Travellers. To this extent Traveller sites represent places of exclusion as well as of containment in that they are bounded by barriers to inhibit expansion and they are provided with a single entrance to facilitate monitoring by commercial security (Hoare 2005, 74).

Access to education for Travellers illustrates their exclusion from society. Compulsory education for Traveller children was legislated in the 1908 Children's Act. Even though the act imposed penalties "on persons who habitually wander from place to place and thereby prevent children from receiving education" it does not appear that Traveller children experienced any persuasion or opportunity to attend school by the state before and after Irish independence (Helleiner 2003, 70). Traveller children did not fit into the protected childhood model characterized by sedentary residence and full-time schooling that was considered essential for Irish citizenship. Also enforcing education for Travellers was limited by a minimalist state. Another factor discouraging education for Traveller children was the 1937 Irish Constitution which emphasized parental rights (Helleiner 2003, 70). In keeping with the convention of excluding Travellers from the rights of the state, the Irish state refrained to circumvent Traveller parents to ensure public education for their children. Later in the twentieth century when Traveller children attended school they were segregated into 'special classes' which did not adhere to the standard curriculum to the extent that Traveller children were not adequately educated to attain higher grades. Some schools refuse to accept Travellers using the pretext of being full and the school curriculum ignores their identity as compared to other cultural groups (O'Connell 2002, 57).

The urban transition of Travellers accentuated their marginalization due to their nomadic traits that emphasized close familial residences and facilitated public housing for some that separated them from the amenities of mainstream society. Education as a social right for Travellers accentuated their distancing from society and this impacted on low or no educational attainment for Traveller children. Also, it demonstrates how, even at the end of the twentieth century, Traveller children continued to be segregated when they entered the public education system.

## **Capacity**

Sen informs us of how inadequacies in capability feed into marginalization which challenges the ability to build capacity that is crucial to the group. Sen's quality of life includes the measure of a person's functionings, which are the various things that a person manages to do or be in leading a life. Of importance are the capabilities of people, and the extent of their ability to choose among a set of their functionings, the life they value (Sen 1993, 31-33). Even though functionings and capabilities for any quality of life measure is a value judgment, there is a consensus that quality of life depends on people's health and education, their everyday activities (which include the right to a decent job and housing), their participation in the political process, the social and natural environment in which they live, and the factors shaping their personal and economic security (Stiglitz and Sen 2008, 15). The capabilities approach goes beyond how individuals actually function to emphasize capacity to facilitate the ability to make practical choices to function in important ways. The ability to make these choices increases proportionately to capability. Individuals and groups can be deprived of capabilities by government oppression, ignorance, or lack of resources, for example. This section will look at capacity and how its trajectory impacts on each group. For Aboriginal peoples capacity impacts on their ability to quality of life. For Travellers, their capacity is challenged by discrimination.

## *Aboriginal Peoples*

The capacity of Aboriginal peoples to mobilize politically has been compromised because of the intergenerational effects of assimilationist policies, forced adoptions, residential schools, economic marginalization and social exclusion (Castellano et al 2008; Proulx 2003, 128; Warry 2007, 117). Maracle explains that Aboriginal peoples need to heal “from the effects of colonization, from dealing with the fact that we exist in an impoverished, violent, powerless environment” (1994, 114). Aboriginal people living in Winnipeg’s inner city who shared their stories referred to colonization as eroding their way of life: “The residential schools, the educational system, the police and legal systems, and child and family services stand out as institutions that played a central role in constructing them as the ‘other’” (Silver 2006, 36). Residential schools and the irresponsible and dysfunctional parenting that resulted from these experiences are responsible for the issues of alcohol, drug and sexual abuse, family violence and mental abuse confronting Aboriginal peoples (Castellano et al 2008; Proulx 2003; Schouls 2003; Warry 2007). Lawrence (2004) adds that exclusion from treaties and gender bias in disenfranchising women who married non-Aboriginals, excluded Aboriginal peoples from making claims. This demonstrates how governing institutions interfered with Aboriginal peoples to diminish their collective capacity in attempts to ‘civilize’ and how this impacted on their collective ability to advocate not only for their traditional ways, but also for self-determination.

High poverty rates, low levels of educational attainment, inadequate preparation for the job market and poor health contribute to the risk of social exclusion for urban Aboriginal people (Salée 2006, 5). These factors drastically curtail the ability of most Aboriginal people to attain levels of well-being expected by Canadians in general. Attaining quality of life for Aboriginal people is an important policy consideration because it is not only crucial for their well being, but it is essential to empower them to engage in political processes. There are many approaches to assess the concept of quality of life: the role of the state incorporates ideas of economic and social well-being that are premised on what the state provides its citizens and the extent to which the state protects them from market deficiencies; the social capital approach regards well-being as maintaining social connectedness rather than income levels; psychological or emotional criteria approach emphasizes a holistic understanding of quality of life where personal healing and reclaiming control over one’s life are fundamental (Salée 2006, 6-7). Aboriginal scholars address quality-of-life issues through the symbol of the medicine wheel, which represents seeing and knowing and its accompanying teachings. The wheel is divided into four parts which demonstrates how these four parts are interrelated and interdependent. The wheel facilitates applications that include individuals, family relationships and the world. The medicine wheel application to the wider community encompasses the political and administrative environment where Aboriginal people are empowered to participate and make decisions in matters that directly affect their lives, the social environment where the community’s openness to and support of individuals and groups working toward positive social change, the economic environment where long-term sustainable systems of production protect the environment and contribute to community capacity, and the cultural and spiritual environment that facilitates a dialogue on values and respect for diversity. Together these four applications of the community medicine wheel contribute to the important indicators of well-being (Salée 2006, 8).

Salée analyzes four major approaches that inform the Canadian literature on Aboriginal quality of life. The first approach focuses, usually in quantitative terms, on the socioeconomic problems Aboriginal people face without proposing specific policy directions (Salée 2006, 9). In

this approach Aboriginal people are regarded as social problems framed analytically as objects of study rather than knowing subjects (Salée 2006, 11). Contrary to the first approach, the following three approaches build on factual knowledge about Aboriginal peoples to propose policy to improve Aboriginal well-being by understanding Aboriginal quality-of-life issues. The second approach, informed by social capital theory, asserts capacity-building and community development (Salée 2006, 9) but acknowledges that the capacity for social capital for Aboriginal people has been weakened by state policies, cultural deterioration and the erosion of traditional knowledge (Salée 2006, 12) The third approach seeks strategies to healing and as such it stresses psychological reconstruction and personal transformation. The fourth approach flows from a critique of government policies concerning Aboriginal people that searches for policy alternatives concerned with fiscal responsibility, accountability and the efficiency of service delivery (Salée 2006, 9).

Research to understand Aboriginal quality of life should seek to explore the impact of social processes of racialization and marginalization as outlined by five research endeavours: questioning the market; looking into patterns of exclusion; the effects of welfare retrenchment; internal socio-political dynamics; policy audits (Salée 2006, 26). Of these five, looking into patterns of exclusion is relevant to this line of argument. Evidence-based studies that document the socioeconomic marginalization of Aboriginal people fail to examine social processes of their exclusion: racism, cultural ostracism and delegitimization in the public sphere also factor into the social subordination of minority groups. Although Canada has clear antidiscrimination policies mechanisms of social exclusion may still operate in unsuspected ways (Salée 2006, 26). Yet Salée argues that despite these hurdles Aboriginal people have formulated self-determining choices and quality of life issues with a view to exercise their own power outside of the boundaries of the Canadian state (2006, 28).

### *Travellers*

The capacity of Travellers to secure accommodation for their lifestyle choices from the state has been compromised by their ‘othering’ from mainstream society which is prevalent in discriminatory practices against Travellers. This section will look at discrimination toward Travellers and its pervasiveness in the media and in facilitating housing for Travellers. It will assess the impact that discrimination has on their capacity to represent themselves and their interests.

Richardson studied Traveller discourse (2006, 5) and found that it can be used to control those who refuse to conform to societal norms, by living in a permanent dwelling for example (2006, 1). Richardson relies on Foucault, who is referred to in modern discussions of power and control, especially on his explanations of discourse and the gaze. Foucault’s ‘gaze’ is ‘the eye of power and control’: “the gaze is not faithful to truth, nor subject to it, without asserting, at the same time, a supreme mastery: the gaze that sees is a gaze that dominates” (Richardson 2006, 45). Richardson explains that even though the gaze is a metaphor, it provides an explanation of surveillance in society as an instrument of control (Richardson 2006, 46).

Public discourse regarding Travellers reflects concerns with cost rather than their adverse treatment. After analyzing legislation and local policy Richardson (2006) found that ‘mess’ and ‘cost’ were core themes in public discourse. Perpetuating the stereotype of Travellers as ‘folk-devil’ enables more newspapers to be sold which further enforces notions of cost (35). Also, the antagonism toward Travellers is not confined to any particular segment or strata of society, but to

society as a whole (Helleiner and Szuchewycz 1997, 112) Media analysis on Travellers “sees them as ‘standing for’ a cost to the taxpayer, causing a mess and being ‘other’ to the settled community”(Richardson 2006, 76). These messages are more pervasive than before due to the proliferation of communications technology (Richardson 2006, 77).

Overt discrimination in the media and the inadequacy of the justice system to prevail for Travellers poses challenges to their capacity to counter arbitrary claims made by mainstream society. “Time to get tough on tinker terror ‘culture’” (*Sunday Independent* 28/1/96) was found to be so unremarkable that the civil rights group attempting to have the journalist responsible prosecuted for incitement to hatred was told that it had no case. In 1999, a politician advocating that all Travellers be electronically tagged became the first person in the country to be tried for incitement and acquitted (all national dailies, 2/3/99)”(Ni Shuinéar 2002, 189). A Fianna Fáil councillor at a Waterford County Council meeting said the following about Travellers: “The sooner the shotguns are at the ready and these travelling people are put out of our country the better. They are not our people...” (*The Sunday Independent*, 14April 1996) (O’Connell 2002, 55).

Richardson offers an analysis of the benefits to the players involved in othering Travellers. Government benefits from othering Travellers because it contributes to a pattern of fear which is heightened by politicians without objection from the public. The settled community benefits from othering Travellers as the folk-devil because it makes them feel better about their circumstances when their problems are associated with the Traveller minority. The media benefit from Travellers because stories about them sell more newspapers. In this light there is no impetus to improve the understanding between Travellers and the settled community because Travellers “would face less harassment and perhaps also benefit from an increased provision of new sites and an inclusion in mainstream welfare policies such as health, education and housing” (Richardson 2006, 135). MacLaughlin describes the impact this discourse has on Travellers:

Recent evidence suggests that Travellers living in these large encampments may be internalizing feelings of inferiority and experiencing widespread social rejection in Irish society. Both these processes are exacerbated by life on the fringe of urban society. Internalization of such feelings of inferiority in turn may be robbing Traveller culture of its dynamism and replacing it with hesitancy, aggressiveness, family violence, alcohol abuse and petty crime.(MacLaughlin 1998, 430).

Other factors that challenge the capacity of Travellers include high rates of illiteracy and innumeracy (First Progress Report 2000, 64). Although the emerging trend is that Travellers are staying in school and attaining second levels and leaving certificates (the equivalent to completion of secondary school in Canada) and attending university, they still remain dependent on non-Travellers. This dependence on non-Travellers for Traveller advocacy is discussed in more detail below.

## **Advocacy**

The marginalization of urban Aboriginal peoples and Travellers impacts on their collective capacity to have a voice in public policy deliberations that specifically support their lifestyle choices. Political and societal domination has the strength to interfere with the success of advocacy organizations especially when they interfere with the lifestyle choices that individuals in atypical minorities may prefer to make. Advocacy for typical minorities acknowledges that specific organizations act on their behalf and assert their lifestyle choices due to several factors,



one of which is the limitations in their capacity to represent themselves. Up to this point an assessment has been made of how Aboriginal peoples and Travellers have been marginalized and how this impairs their ability to build the capacity essential to make choices. One challenge to advocacy is that voluntary organizations are not only constrained by physical limitations of budget and regulations, they also must work within prevailing societal norms. With the case of atypical minorities, domination by mainstream society is a factor in the effectiveness of this model of advocacy. Pettit (1997) assists us in understanding why groups are dominated. This allows us to comprehend why atypical minorities rely on the voluntary sector to advocate for their needs and how advocacy for these groups may be challenged by obstacles from mainstream society. This section will conceptualize advocacy, address notions of domination, and assess advocacy models and their limitations. It will conclude by analyzing how this impacts on individual and community choices for atypical minorities.

Advocacy group participation in democracies extends beyond “the pitfalls of pluralism” by providing a liaison between citizens and the state in three significant ways. When representative institutions such as political parties or legislatures fail to articulate the interests of a community, advocacy groups mobilize in order to make their voices heard. Second, representative institutions systematically underrepresent segments of the population, which increases the importance of advocacy. Third, advocacy groups facilitate the formulation of better public policy (Young and Everitt 2004, 16-17).

According to Pettit dominating power over another may often be targeted on a group or individuals in a collective identity to the extent that choices that are made by the individual or by the group are dominated decisions, because they fall into the range of the expectations of the dominator. Non-domination is the position that someone enjoys when they live in the presence of other people and no other has the capacity to interfere on an arbitrary basis in their choices (Pettit 1997, 67). Dominating behaviours are intended to worsen the agent’s choice by altering the range of options available, changing the expected payoffs assigned to those options, or by controlling the results from the options and the actual outcomes that will occur (Pettit 1997, 53). The strength in domination is its arbitrariness. It becomes so pervasive that the dominated may not be fully aware of the extent of the domination. When Pettit demonstrates how subtly an individual or a group can be dominated we can understand the difficulty in identifying and controlling power. Secondly, we can also understand why groups dominated by arbitrary power fail to speak out or make their causes known. Pettit allows us to see the problem of dominance of atypical minorities. What creates freedom as non-domination is the knowledge of the nature of arbitrary power. Pettit is instructing us to figure out our systems of domination. So when we look at organizations that advocate for atypical minorities we can ask whether they are in a model that gives voice to these groups or are they working within a framework of domination by mainstream society.

Advocacy for atypical minorities is determined by systems of government and their arrangements with voluntary organizations. In Canada voluntary organizations work within a third sector model and in Ireland voluntary organizations operate within a social partnership arrangement. This section will look at these arrangements and assess the impact that voluntary organizations have on advocacy for urban Aboriginal peoples and Travellers.

### *Third Sector and Urban Aboriginal Peoples*

The third sector refers to voluntary sector which is ranked third after the public and private sectors. In the 1990s, due to budgetary cutbacks, government recognized an increased need for the third sector (aka non-profit, third party, and voluntary sector) to deliver services and programs that it had been responsible for in the past. In Canada, the voluntary sector reorganized during the late 1990s through the Voluntary Sector Roundtable (VSR), an informal network of voluntary sector leaders. The Voluntary Sector Initiative (VSI) acknowledged the collaboration of the voluntary sector and government spanning a range of policies that included increasing policy capacity, new regulations for charitable activities, and building partnerships between the voluntary sector and the government (Smith 2005, 142). Aboriginal peoples depend on the third sector for support for maintaining culture and identity in urban centres (Graham and Peters 2002). This support is essential to address the critical issues they face in urban centres which include: challenges to cultural identity; exclusion from opportunities for self-determination; discrimination; and difficulty of finding culturally appropriate services (RCAPv4 1996, 520). This section will look at approaches to the third sector, its limitations and its role in representing and advocating for urban Aboriginal peoples.

Policy scholars differ on their opinions of the impact of the third sector as a paradigm shift in service delivery and advocacy. For Smith the third sector as group politics has been restructured in response to the shift from the Keynesian welfare state to neoliberal globalization (2005, 14). In this recasting of civil society collective actors became charities rather than advocacy minorities and citizens were redefined as volunteers rather than political participants (Smith 2005, 142). As a non-governmental organization the voluntary sector reflects the federal government's need for civil society actors such as interest groups and social movement organizations, but it wants these groups to play a "depoliticized role" in service delivery and a "consultative role" to support government policies (Smith 2005, 190). Phillips, on the other hand, argues that government has become more complex and enlarged in the new millennium and has come to realize that it needs the voluntary sector, not only to partner in service delivery, but also to build social capital (Phillips 2003, 18). Informed by Putnam, Phillips defines a civil society model whereby individuals are represented in organizations, which in turn participate in society in ways that "build and bridge" communities, regardless of whether these participants are disadvantaged (Phillips 2003, 24). Phillips explains that the shift from a state-centred, hierarchically controlled model of governing to a networked and collaborative approach was the result of three main drivers. The first was an ideology of third sector governance that sought social inclusion and partnerships outside of government as part of reforms to public service. The second driver was the realization that government realized it needed the voluntary sector for service delivery of policies and programs. The third driver was that voluntary organizations were already delivering services, regulating themselves and developing partnerships outside of government intervention and that this just required to be formalized as government policy (Phillips 2006, 13).

Despite the debate of the role of third sector as implementations of neoliberalism or opportunities to build social capital, the third sector remains restricted in its mandate. Canada has limited voluntary sector collaboration in the areas of accountability, capacity and participation in policy processes. The federal government's tightening of accountability requirements in public funding of the voluntary sector since 2000 reflects the dominance of the New Public Management (NPM) paradigm that informed this structure, rather than evolving into a

relationship built on trust between government and the voluntary sector. The Canadian government has not developed a legislative and regulatory framework to support the capacity of voluntary organizations to function effectively in governing. The expansion of the role of voluntary organizations as service providers inhibits their ability to build networks and participate in the policy process (Phillips 2006, 4). In response to the new approach of third party government Salamon cautions that this new governance approach has created a paradox in its response to the problem of reliance on third parties: “policymakers seem to be under increasing political pressures to select those tools of public action that are the most difficult to manage and the hardest to keep focused on their public objectives” (2002, 37).

Government restrictions present further challenges that impact on the policy capacity and advocacy role of the third sector (Graham and Peters 2002, 11). One factor is that organizations incorporated as charities are restricted in their advocacy activities by Canadian charities legislation. Canadian tax rules ensure that voluntary organizations provide service delivery rather than orient themselves toward public policy. Under common law, political purposes are not considered charitable, therefore an organization will not qualify for charitable registration if at least one of its purposes is political. Revenue Canada has interpreted this to mean “to persuade the public to adopt a particular view on a broad social question” or attempt “to bring about or oppose changes in the law or government policy.” For example, while it is acceptable to create a charity devoted to relief of poverty through a food bank, it is not acceptable for a charity to be devoted to the relief of poverty through changes in the social welfare legal system (Pross and Webb 2003, 95). The federal government has ensured that “charities” will be prevented from participating in advocacy, even as they are expected to deliver more services. Despite the recommendations that the law should be revised to allow political activity by registered charities, tax laws remain among the most restrictive compared to the regulation of political activities by charities in the UK (Smith 2005, 143). The uncertainty of funding from provincial and federal governments presents another challenge. Securing project funding exacts a heavy toll on the time and energy of group leaders who are the same individuals who have the necessary background for advocacy work (Pross and Webb 2003, 110). A third challenge is the increase in work load of organizations due to reporting and accountability requirements. The *Lobbyists Registration Act* and the *Canada Elections Act* do not impose a regulatory burden on the advocacy activities of groups, but they have implications for the treatment of groups as registered charities and as recipients of government funds.

A final challenge to third sector advocacy is acknowledging that government advocates for urban Aboriginal peoples creates a fundamental challenge to government public service which maintains the normative values of public administration. These values that include integrity, accountability, neutrality, fairness and equity (Kernaghan et al 2005, 45) may impede the ability of public servants to advocate on behalf of their clients (Malloy 2003, 20). Social movements and bureaucratic norms are replicated in the public service. So while public servants adhere to the neutrality value of public administration social agencies on the other hand orient themselves to the need of Aboriginal peoples. Malloy explains that “This reveals a new dimension of the colliding worlds of public administration and social movements, demonstrating just how inherent role conflict and ambiguity are in special policy agencies” (Malloy 2003, 112).

The shift from a Keynesian welfare to a neoliberal state, has not adequately equipped the third sector with the resources required to effectively advocate for urban Aboriginal peoples. But these restrictions do not take into account local advocacy networks (Silver 2006; Lawrence

2004) for Aboriginal peoples. Organizations that are funded through local governments may not have third sector and tax limitations that have been discussed above.

### ***Social Partnership and Travellers***

Social partnership in Ireland has become a feature of the Celtic Tiger as an economic and social policy process that takes place between government and partners that includes trade unions, employers, farmers, environmental organizations, and the community and voluntary sector (Kirby 2002a). The first social partnership agreement was the *Programme for National Recovery* in 1987. The most recent agreement is *Towards 2016: Ten Year Framework Social Partnership Agreement 2006 – 2015* (Ireland Citizens Information 2010). As of March 2010 the National Economic and Social Council (NESC) amalgamated the National Economic and Social Forum (NESF), which was Ireland's largest government appointed social partnership that provided advice on economic and social policy with a focus on equality and social inclusion (NESC 2010). There are two aspects to its distributional effectiveness of social partnership. The first dimension is the extent to which national agreements (a form of income policy) between the social partners on economic and social measures have had positive distributional results. The second dimension is objectives at the regional and local level to alleviate social exclusion and inequality (Kirby 2002a, 135). The social partnership model has been criticized for placing emphasis on its innovative potential for collaborative projects at the regional and local level rather than evaluating its actual impact (Kirby 2002a 136). Kirby observes that providing for social services in Ireland did not undergo privatisation and restructuring that was characteristic of neoliberal reforms in other countries, but he does note that social policy was made subordinate to the needs of market competitiveness (Kirby 2002a, 152). Another observation is that social partnership policy process has resulted in a shift in power from elected representatives to the civil service and partnership organizations. The exclusion of the electorate has contributed to their cynicism of this arrangement (Kirby 2002b, 32).

Partnership actors are included in a 'bargaining' process in which each party presumably seeks to maximize its gains, but ultimately the partnership actors engage in a process of deliberation that reshapes their understanding and preferences. So rather than a bargaining process, the partnership actors engage in problem-solving approach (O'Donnell 2001). The social partnership includes Travellers by means of including bodies established by government on a temporary basis to examine particular issues, in this case the Task Force on the Travelling Community (Kirby 2002a, 41). According to Hardiman: "effective power within the networks is not distributed evenly. The community and voluntary sector have frequently felt unable to assert their priorities effectively, unless government was already sympathetic to their position. They are not even physically present at the pay element of the talks" (2006, 362).

Lentin (2006) observes three factors that impact on Traveller participation in social partnership: representation by non-Travellers; tokenism; and competition among groups that are discriminated against. First, social partnership creates dependence upon 'settled' Irish people to act on their behalf. Partnership "is based on the idea that, due to the discrimination suffered by Travellers, they have not benefited from the education and skills that would allow them to represent themselves. They are, therefore, assisted by 'settled' people, for example in the management of finances and public representation. This has led to the situation in which most Traveller organisations in Ireland are not, in fact, run by Travellers themselves, despite the long years of experience of many Travellers in the movement" (Lentin 2006, 199). Second, Lentin

also notes that Travellers are aware of the tokenism of their representation when she quotes Martin Collins from Pavee Point: “Having four Travellers at a table and having four settled people, it’s dangerous to suggest that partnership is taking place there because there can be a huge power imbalance in terms of settled people having had all the opportunities re: education, training – they have a far superior vocabulary” (Lentin 2006, 199-200). Third, the National Traveller Women’s Forum (NTWF) observed that their claims of racism by society were no longer taken into consideration by new immigrant groups who see racism as a ‘black-and-white issue’. The NTWF expressed fears that they were being exploited by the media and that “this leads both to the overlooking of Traveller concerns and to a neglect of the amount done by the Traveller movement to positively influence government policy” (Lentin 2006, 201).

Both the short term and long term impact of the downturn of the Irish economy since 2008 on social partnership is unclear at this time. But the factors of the downturn very much mirrored ongoing challenges to the Irish economy. Unions are represented by 20% of the private sector and 80% of the public sector. The Irish government promoted growth by depending on foreign corporate growth attracted by low corporate taxes. As much as the Celtic Tiger promoted growth in Ireland a wealthy class emerged but poverty remained unchanged over the almost 20 year period of growth (Kirby 2010). “Social partnership has provided a means of adjustment to new macroeconomic challenges in a small open economy. But its contribution to addressing welfare gaps is much more limited” (Hardiman 2006, 369). The point of this is to argue that as robust as the Celtic Tiger was for the Irish economy its wealth was not proportionally distributed to vulnerable groups. Travellers specifically and the poor generally did not benefit directly from the upswing of the Celtic Tiger which failed to prioritize wealth distribution to them. Also the social partnership model lacked the mandate to advocate for their interests.

Given the fact that Travellers represent approximately 0.6 percent of the population, they face challenges to participate in any political process (O’Connell 2006). At the time of the Task Force in 1995, Traveller organizations had shifted their focus from a welfare approach to a rights-based approach. The Task Force on the Travelling Community (1996) established three identifying features of Traveller organisations: “they are non-governmental; they involve effective Traveller participation; they are in solidarity with Traveller interests” (Crowley 2005, 250). While Parliament enacted measures such as the 1998 *Housing Act* and the 2000 *Equal Status Act*, it also refuses to recognise Travellers as an ethnic group and passed the 2002 *Housing Act* without consulting Travellers. Travellers are required to comprise at least one-quarter of the membership of the Local Traveller Accommodation Consultative Committees (LTACC) but they refrain from participating while progress is duly challenged by the attitude of politicians, the general public and administrative practices (O’Connell 2006). At the local level Traveller organizations have played a major role in assisting Travellers (McDonagh 2006)

## **Conclusion**

This paper was designed to cast a broad net to explore how indigenous peoples escape multiculturalism. It explored the implications of the treatment of indigenous groups over time and how this contributed to their conceptualization as atypical minorities, impacted on their capacity to represent themselves and advocate for their lifestyle choices. The marginalization of urban Aboriginal peoples and Travellers demonstrated how they were treated differently by the state and denied social rights, including access to education. The urban transition of these minorities since the mid-twentieth century, further accentuated their marginalization, which exacerbated their access to social rights. This encroached on their capacity to represent

themselves and advocate for lifestyle choices that were not considered acceptable by mainstream society. A disconnect between indigenous groups and mainstream society accentuates their otherness as atypical minorities which further disassociates them from society. As a result these groups are subject to discrimination, Travellers in Ireland more overtly than urban Aboriginal peoples in Canada. This limits their individual and collective abilities to make choices regarding their life ways. The paradigmatic shift in the state from Keynesianism to neoliberalism since the 1990s altered their relations with the state. Advocacy for these groups have been delegated to the third sector for Aboriginal peoples and social partnerships for Travellers, which, in its formative stages, not only lacks a clear mandate, but demonstrates a model for governance that poses limited advocacy possibilities. Urban Aboriginal peoples and Travellers escape multiculturalism because its model assumes that all participants possess the social rights that society has failed to extend these atypical minorities. The idea that government overlooked the fact that it overlooked these groups provides a strong indication of the challenges these marginalized minorities in a multicultural society.

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