Reclaiming Identity: Rethinking Non-Territorial Autonomy

Mabel Wong[*]
National University of Singapore

This paper puts debates over identity within non-territorial autonomy scholarship in conversation with those located within feminist thought. It is done for two reasons. First, it is suggested that the concern with identity-based claims has less to do with what identity is *per se* than with the types of politics produced. More than the by-now familiar criticism that claims to non-territorial autonomy assumes fixed notions of identity, the worry is motivated by the exclusionary and recriminating politics that such claims often give rise to. Second, looking at some feminist responses to this worry offers insights into how claims for non-territorial autonomy might continue to be made while avoiding such politics. The key is to view these claims not as declarative statements about what identity is but as transitive negotiations that are part of the on-going process of collective identity-formation.

Keywords: non-territorial autonomy; identity; poststructuralism; cultural determination; essentialism

In what might appear like a flashback to the 1990s, feminist philosopher Linda M. Alcoff offers, in her 2006 book entitled *Visible Identities: Race, Gender, and Self*, a 'sustained defense of identity as an epistemically salient and ontologically real entity' (Alcoff, 2006: 5). This defense, she further adds, is made 'against the critics of identity politics and those who see the attachment to identity as a political problem, psychological crutch, or metaphysical mistake' (Alcoff, 2006: 6). The questions of identity and the viability of the politics centered on it have, since the early 1990s, been a source of much debate and contestation. The arguments for and against identity politics (and of the concept of identity itself) are no doubt by now familiar, perhaps even tiresome, and at a seeming stalemate. For Alcoff, what is needed are new ways to talk about identity against the backdrop of sometimes legitimate, sometimes too-readily declared, charges of essentialism. In this respect, her—in my view—welcomed return to the issue offers an opportunity for scholars and practitioners

[*] Visiting Fellow, National University of Singapore. Email: uspwcm@nus.edu.sg.

negotiating the contemporary demands for cultural recognition, protection and self-determination to evaluate the ways in which their theories and models of cultural autonomy make claims on behalf of identity against similar charges of essentialism. In this paper, I focus on the general concept of non-territorial autonomy (NTA).

In putting Alcoff's defense of identity and the feminist tradition within which her argument is situated in conversation with the discussion of NTA, I am not assuming an equivalency between the formation of gender identity and the meanings attached to it with that of culture or ethnicity; nor do I wish to imply that the injuries caused by gender inequality and the resultant fight for equality are similar to those caused by histories of ethno-violence and the ongoing attempts to resolve them. Nonetheless, I do think a look within feminism *both* at the criticisms raised against identity, particularly those drawn from poststructuralist theories, and the arguments in support of it, is productive for two reasons.

First, the criticisms highlight an aspect of identity politics that those engaged in the field of NTA often neglect—that is, identity's relationship with power and hence its implication in processes of regulation and subjugation. Although one of the key insights of poststructuralism (though certainly not by itself a novel critique), it nonetheless often gets buried under the common and, in my view, exaggerated assertion that poststructuralism's deconstructed account of the subject renders politics impossible.[1] The point, on the contrary, is not to unravel any account of the self but to press upon political projects enacted for the purpose of redressing existing inequalities to be attentive to the ways in which the strategies they employ might themselves undermine their emancipatory goals and further produce new forms of hierarchy and segregation. Second, in response, feminists like Alcoff continue to insist that despite the validity of many of the criticisms raised by poststructuralism, those struggling for recognition continue to operate within a political and institutional context in which the affirmation of one's identity, no matter how complex and open-ended, is a necessary precondition for restitution, emancipation, and even resistance. This dilemma resonates with the situation scholars and practitioners of NTA find themselves in and a look at how some feminist theorists have sought to negotiate this conundrum might provide some useful insights.

This paper proceeds in four parts. I begin with a brief overview of the concept of NTA, highlighting the reasons why it is often charged with essentialism. I then look more substantially at the poststructuralist critique of identity with a focus on the

works of two crucial proponents of this view: Judith Butler and Wendy Brown. In the third section, I survey some of the proposals—specifically Gayatri Spivak's 'strategic essentialism' and Alcoff's notion of 'real identity'—for how feminist politics might proceed in light of this critique. I end by offering some very brief and very tentative suggestions of how these proposals might be applied to the question of cultural autonomy. Such an application offers two potentially useful insights for the analyses and practices of NTA: first, it offers an account of how a fluid, processual and non-deterministic image of identity can nonetheless form the basis for collective claims to autonomy; and second, it shifts the discussion away from the essentialist/anti-essentialist polemic and towards a more productive evaluation of the ways in which such claims are articulated.

1. Non-territorial autonomy

Unlike conventional models of national autonomy that define autonomy almost entirely in territorial terms, non-territorial autonomy takes cultural identification as its primary criteria.[2] This identification is often, following Karl Renner in one of the most influential models of NTA, referred to as the 'personality principle'. Faced with persistent ethno-nationalist conflicts and rising demands for national self-determination amidst a collapsing Austro-Hungarian Empire, Renner argued for a notion of sovereignty based not on territorial location but on national affiliation. Implied in this argument is a distinction between nation and state. For Renner, a nation is culturally defined. It is a 'personal association of those sharing a way of thinking and speaking' (Renner, 2005: 25) and hence is 'a community of intellectual and emotional life' (Renner, 2005: 22). The state, on the other hand, is a legal order 'dominated by the sphere of material interest of the dominant groups in the state' and since such material interests 'can only be realized within a particular territory', 'state and state territory are conceptually inseparable' (Renner, 2005: 23).

For Renner, this means that the interests and tasks of the nation and those of the state are largely antithetical therefore requiring the need for separate, though at times overlapping, areas of jurisdiction. More importantly, in a move that often forms the normative basis for models of NTA, Renner further argues that the 'territorial principle' that defines state sovereignty is at root an expression of domination. Insofar as it is primarily concerned with the development of the material interests of the

dominant group, it implies the subordination of those who do not belong to that group. Hence 'the territorial principle', he writes, 'can never produce compromise and equal rights; it can only produce struggle and oppression, because its essence is domination' (Renner, 2005: 24).

In contrast, non-territorial autonomy is said to represent a more equitable solution because, in giving national groups juridical power over their own cultural practices, it does away with the majority-minority distinction and the propensity for discrimination that inheres such a distinction (Nimni, 2005: 10; 2007: 348). Moreover, such an account of autonomy is regarded as intimately tied to individual freedom insofar as cultural identification is, at least in the instances in which it is to be accorded legal weight, understood in voluntaristic terms. 'The individual's right to self-determination', Renner stresses, 'constitutes the correlate of the nation's right to self-determination' (Renner, 2005: 18). In his model, individuals are required to declare their cultural identity upon turning voting age and will henceforth be officially recognized as members of their chosen national group. These groups are regarded as legal organizations accorded with collective rights and legislative power over all national-cultural affairs, such as education. It should be noted that Renner, as do most advocates of non-territorial autonomy, sees such a model as a supplement to and not a substitute for traditional territorial sovereignty. The state, especially in multinational regions, operates alongside these national councils and is responsible for all matters—such as economics and foreign policy—perceived to be unrelated to culture. By allowing nations control over their own cultural development and sustenance, the point is not only to ameliorate competition amongst nations, it is also to remove potential conflict between the interests of the state and of those of the nation.

Precisely because cultural identity is taken as a coherent and cohesive basis from which to make collective claims and further seen as a crucial if not primary site of political participation, advocates of NTA have often been criticized for holding an essentialist view of culture and of identity. Certainly Renner's 'personality principle' is susceptible to such a criticism (*cf.* Bauböck, 2005). Other models such as consociationalism have also been similarly taken to task (*cf.* Finley, 2011). This view of identity, as its critics have argued, assumes that cultures are fixed, pre-determined, deterministic, and singularly defined. In addition, it possesses a simplistic understanding of identification, one that forgets that cultural identity is but one of many dimensions of the self and that our relationship to our culture is often

complicated, messy, and at times at odds with other interests and commitments. Not only is such an view a false, passive, and enclosing account of cultural identity, it also, as its critics assert, constrains the individual, masks internal differences and antagonisms that might exist within any particular group, and entrenches existing cultural and national divisions. In response, advocates of NTA have either insisted that their accounts of identity are not premised on essentialism but on long-standing cultures that simply do exist—as in McGarry and O'Leary's distinction between a primordial account of identity and one that sees it as durable (McGarry and O'Leary, 2004: 32)—or displaced the issue altogether by arguing that that it is in fact the concept of territorial sovereignty and its implicit concession to majority rule that is responsible for balkanization insofar as it fails to account for its own historical-cultural lineages (Nimni, 2005: 207).

I do not wish to recite the charge of essentialism or to challenge these counter-responses. On the contrary, my point is to take seriously the assertion that theories of non-territorial autonomy are not necessarily premised on essentialist notions of identity. Differently put, I am interested in how one can still advocate for collective identity-based claims without necessarily holding a groupist or static view of identity. A look at how feminists who insist on centering their projects on what Alcoff describes as the 'real-world effects of identity' (Alcoff, 2006: 5) respond to similar charges of essentialism might offer some suggestions. But first, a brief look at the stakes involved in such charges is needed.

2. Identity and power

One of the most influential critics of identity politics, both within the field of feminist thought and outside of it, has undoubtedly been Judith Butler. Motivated by a reading of subjectivity that situates it intimately within the matrix of power, Butler challenges not only the use of identity as a political claim but, more profoundly, the epistemological and ontological presumptions that underpin it as well. For Butler, identity is always imbricated with power; it is in fact a specific formation of power because while power might appear to regulate pre-existing subjects by subordinating them to juridical and institutional norms, these subjects, by virtue of being subordinated to such norms, are *not* already given but instead produced and defined according to them. In place of the traditional view of a preexisting political actor

negotiating with the structures of the system she is situated in, Butler proposes a *performative* account of the subject, one that sees it as constituted through the iterative enactments of such structures. There is, as Butler puts it, no 'doer behind the deed' but 'the "doer" is variably constructed in and through the deed' (Butler, 1999: 181).

To illustrate this point, Butler refers to the famous scene of interpellation described by Louis Althusser in his essay 'Ideology and the Ideological State Apparatus'. In that scene, a policeman hails a passerby—'Hey, you there!'—who turns around in response and in so doing is interpellated into a subject of power (Althusser, 1971: 170-177). Interpellation is thus not a descriptive process whereby one simply responds to a name already recognized as one's own. Rather, it is a *constitutive* process in which the individual, in responding to the power's address, becomes a subject within the institutions and norms of it. The passerby is, in this instance, not first a citizen who then answers the authoritative call of the police officer in that identity. Instead, it is in responding to the hail that the passerby becomes a citizen, that is to say, enters into a codified relationship with power. As Butler puts it, 'to be addressed is not merely to be recognized for what one already is, but to have the very term conferred by which the recognition of existence becomes possible' (Butler, 1997a: 5) and, again, 'the act of recognition becomes an act of constitution: the address animates the subject into existence' (Butler, 1997a: 25). Political actors, in other words, do not simply interact with power but are produced, *i.e.* called into being, in responding to the terms of recognition proffered by power. In accepting those terms, they become constituted as right-bearing agents in possession of the ability to make claims on political resources. On this account, identity is never simply something that I already am that in turn motivates and orients my political aspirations and activities; rather, identity is the *effect* of power and thus to act in the name of identity is to act in the name of power.

What consequences might such an account of identity have for the aims and strategies of NTA? One objection might be that this criticism is not compatible with the issue of cultural autonomy, especially in those cases in which culture is ethnically defined. Cultural identity, it might be asserted, precedes and exceeds the state. The fact that Maori identity, for example, is distinct from and prior to the appeal for collective self-determination, shows that such an appeal is possible (this might be what McGarry and O'Leary mean by 'durable' identities). This may no doubt be true.

But, and this is what I think can be gained from putting between the field of NTA in conversation with feminism, the point is that once identity becomes politicized—that is, becomes the name by which the group is recognized by the state—then the meaning, import and consequences of cultural identity changes. This is worth emphasizing because contestations over identity between advocates of NTA and their critics tend largely to revolve around the account of identity being given, *i.e.* whether culture forms a constitutive part of one's personal identity, what defines cultural membership, whether such membership can be singularly identifiable, etc. Feminist critics of identity (at least those coming from a poststructuralist tradition) are, however, less concerned with the extent to which identity is intelligible or malleable than with the question of what happens when identity becomes a political performance, that is, an act through which the identity becomes a political agent. What is at stake is not the legitimacy of the account of identity being given *per se*, but the legitimacy of that identity as a rightful participant of power.

In this light, Renner's personal declaration is in effect a performative statement through which the individual becomes recognizable under the auspice of power. Indeed, as he puts it, 'the indispensable prerequisite' for the resolution of the nationalities question is 'the organization of the national groups as juridical persons' (Renner, 2005: 20). This suggests that problem with the 'personality principle' is not only that it assumes a fixed and static notion of identity or that it is, as Rainer Bauböck notes, 'a severe constraint on individual self-determination' (Bauböck, 2005: 87). These are all certainly valid issues to consider, but Butler's account of identity's relationship with power enables us to discern yet another equally important issue: what happens when cultural identity becomes the primary mode of political participation, the only means through which people are recognized and accorded rights? But, it might be said, is this not exactly the point of NTA since the entire purpose of seeking cultural autonomy in all its various forms is to gain access to the institutions and processes of politics?

Yet, precisely because models of NTA seek to do exactly that, I think Butler's argument is worth considering. It highlights two crucial dangers of such a desire. First, it shows how the political performativity of identity as a means to gain access to power unwittingly participates in the logics of discrimination it seeks to redress. This is more than the usual criticism that NTA entrenches existing group divisions. Butler's argument is not only that identity politics perpetuate histories of divisiveness,

but that insofar as identity is the means through which one becomes a political agent—that is, someone who possess the ability to make claims on and for political recourses—then identification can be further understood as one way in which power differentiates amongst those who can make claims and those who cannot. In Butler's work, it is not simply that feminist politics premised on the identification of unified and coherent category of "woman" maintains the male-woman opposition even as it professes to dismantle it. More crucially, this category produces exclusionary gender norms (often white, bourgeois and heterosexual) that hinder other modalities of femininity (e.g. lesbian, black, Muslim) and sexuality (e.g. transgender, intersexuality) that resist stabilization (Butler, 1999 and 2004). The point is that because identity is an effect of the logic of power, it necessarily exhibits power's tendency to exclude.[3]

But, again, is not seeking exclusionary status often one of the main aims of cultural autonomy? This is so especially in situations in which the minority culture feels under siege or threatened by the impositions of the majority culture. Here the desire is not so much for non-discrimination as it is for differentiated rights typically for the purpose of cultural survival and preservation.[4] As Nimni notes, one of the main advantages of theories of NTA is that they 'constitutionally enshrined collective rights for national minorities so that minorities can be protected from any subversion of their status by a majority decision [stronger rights]' (Nimni, 2005: 204). Yet, for Butler—and this is the second danger of such identity politics—at stake is not simply the subordination of others but, more crucially, the subordination of ourselves. Not only does identity as a political performance hinder or prohibit others from gaining access to the political sphere, it, she further warns, makes us participants in *our* own subjection, in our own dependency on the norms and structures of power.

Revisiting Althusser's scene of interpellation, Butler ponders the question of why the passerby responds to the call of the police officer in the first place. If the scene is meant to illustrate that there is no identity prior to the operations of power, then what prompts the individual to turn around? 'Although there would be no turning around without first having been hailed, neither would there be', Butler notes, 'a turning around without some readiness to turn' (Butler, 1997b: 107). While an easy explanation would be the contention raised above that identity is prior to its recognition by power and is therefore what make this recognition possible. Butler argues instead that one eagerly responds to the dictates of power because power's

interpellative act 'promises identity' (Butler, 1997b: 108). Power, in other words, does not merely constitute political agents by recognizing them as such; it produces and exploits the need for recognition as a guarantee of survival so that subjects come to desire their own subjection. Butler explains this with a detour into Freudian psychoanalysis, but her point can also be demonstrated with the observation that in our political context in which the resources for and conditions of survival are largely sanctioned and distributed by the state, our desire to be tethered to the state is hardly surprising. As she puts it:

> Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially. The self-colonializing trajectory of certain forms of identity politics are symptomatic of this paradoxical embrace of the injurious term (Butler, 1997b: 104).

In raising this criticism, Butler's intention is not to posit a fatalist image of the subject as nothing more than a product of power (on the contrary, she spends much of her work elaborating how, in producing it into being, power unwittingly accords the subject an agency that enables it to contest its terms of production). Rather, what her argument draws attention to is the kind of politics such an attachment to identity often gives rise to. Wendy Brown refers to this as, following Nietzsche, the 'politics of *ressentiment*' (Brown, 1995: 27).[5] Such politics occurs when the only viable entry into the political sphere is through the necessity of being recognized as historically-subjugated and therefore in need of redress or protection. This fixes individuals and collectives into positions of victimhood, encouraging them to be invested in their own subjection or marginality since the attention to inequalities serves as the only means through which they can be empowered. Identity-based claims and practices, according to Brown, inevitably assume moralizing forms of reproach and recrimination, reducing politics to the logic of punishment and revenge. 'Politicized identity', Brown writes, 'thus enunciates itself, makes claims for itself, only by entrenching, restating, dramatizing, and inscribing its pain into politics; it can hold out no future—for itself or others—that triumphs pain' (Brown, 1995: 74).

For Brown, the consequences of this logic of *ressentiment*—characterized as the 'wounded character of politicized identity' (Brown, 1995: 55)—are three-fold. First, it reinforces and consolidates our dependency on the state. Second, by positioning the state as the arbiter of injuries, it further makes it difficult to articulate the numerous

and pervasive ways power has been and might still continue to be complicit in perpetuating such injuries (Brown, 1995: 27). Feminist politics that appeal to the state as the guarantor of 'women's rights' fail, in Brown's view, to fully consider how such rights perpetuate the subordination of women through the regulation of norms espoused by those already in power (*cf.* Brown, 2000). This line of criticism might not seem compatible with claims for cultural autonomy since, in many cases of NTA, the state is itself identified as the source of subordination. Yet, even in these instances, the argument could still be made that the recourse to state-centric structures of autonomy avoids a broader discussion of the operations of power beyond policies and legalities. Third, and perhaps more pertinently, Brown's characterization of identity politics as one that 'hold[s] out no future' also warns of the foreclosures to democratic possibilities that the logic of *ressentiment* produces. By making subordination and marginality the center of one's claim to politics, identity-based projects of empowerment codifies their relation to power 'against all other possibilities of indeterminacy, ambiguity, and struggle for resignification and repositioning' (Brown, 1995: 27). In the case of projects of NTA in which ethno-cultural identity is the privileged mode of political participation, from what other positions and for what other demands could one make of power?

3. Reclaiming identity

In light of her characterization of identity politics as fueled by *ressentiment*, Brown calls for the 'loosening [of] identities' attachment to their current constitutive injuries' (Brown, 1995: 134). In so doing, she does not quite outright dismiss the claim to identity but attempts instead to reconfigure the stakes involved.[6] This, she argues, might be achieved if one moves away from the view of identity as a declaration of 'who I am' (to recall Renner's personal declaration of national identity) and towards one that posits it as an articulation of 'I want this for us'. This "wanting" is not to be confused with an expression of self-interest, but should instead be regarded as intimations of collective aspirations (Brown, 1995: 75). Brown describes this move as a shift from identity as 'ontological claims' to identity as 'expressly political ones' (Brown 1995: 76). Such a reformulation holds the capacity to destabilize what identity purportedly is and transform identity politics into a process through which questions

of the good can be negotiated and contested both within the collective and in its dealings with power. Hence:

> […] the replacement—even the admixture—of the language with "being" with "wanting" would seek to exploit politically a recovery of the more expansive moments in the genealogy of identity formation, a recovery prior to its own foreclosures against its wants, prior to the point at which its sovereign subjectivity is established through such foreclosures and through eternal repetition of its pain (Brown, 1995:76).

There is much that I agree with in Brown's and Butler's respective criticisms of identity and of the kind of politics it doubtlessly can and does result in. The quest for political restitution often comes at the price of hasty concessions to unity and coherency that allow neither the time nor space for mediations on differences and contestability and on the ways in which such assertions might be unwitting participants of state regulatory power. Brown's call to reformulate identity claims as deliberations of collective good rather than definitive declarations about community does, I think, take us some way towards ameliorating the negative tendencies of identity politics. What I find especially instructive is her reading of identity-based claims as utterances that, when viewed as such, opens rather than forecloses discussion. Yet, what I find problematic is the distinction she makes between identity as an 'ontological claim' and identity as a 'political claim'. Can one, particularly in the instances in which what 'I want for us' is precisely to secure 'who I am' (and correlatively, 'who we are'), draw such a distinction between the ontological and, I would add, historical meanings of identity and its political stakes?

In attempting to reconcile her poststructuralist commitments with her position as a postcolonial feminist and her affiliations with the Subaltern Studies Collective, Gayatri Spivak proposes a 'strategic essentialism' in an effort to recuperate identity as a, as she puts it, 'scrupulously visible political interest' (Spivak, 1985: 342).[7] Famously introduced in an essay first published in 1985, Spivak not only highlights the contradictions and tensions inherent in the ontological and historical import of identity and its political utility; she does so in the context of a Foucauldian reading of the subject as formation of power. While acknowledging the immense value of such an account, Spivak nonetheless argues that the retreat into the non-representational, or at least from the usual terms dictated by the state (one can read Brown's reformulation as a move away from representation since claims are no longer tied to 'who I am' but to 'what I want for us') is not a viable means of resistance available to those in the

once colonized world and, one could further add, those presently struggling under the current conditions of coloniality (Spivak, 1985: 349). What such a retreat forgets is the ways in which non-representation functions, especially considering that the modern Western state was partly consolidated through imperialism elsewhere, as a mode of power as well. Differently put, given the constitutive relationship between the image of the modern political subject and its colonial "other", it should not be assumed too quickly that those occupying positions of coloniality can, to reference another of Spivak's well-known essay, speak outside of the subject-positions recognized by power (*cf.* Spivak, 1988). In this context, strategic essentialism enters the picture not as the valorization of identity as fixed or essential, but as a self-reflexive mobilizing slogan necessitated by the conditions of power.

Spivak's recommendation poses many advantages to the question of how NTA scholars might retain a notion of identity without recourse to essentialist positions. First, it draws attention to the conditions of coloniality that often characterizes the desire and struggle for collective self-determination. For Spivak, the subaltern subject, because of her place historically within a regime of imperial power whose regulatory techniques and productions of knowledge continue to have epistemic and institutional purchase, finds herself in the position in which she 'cannot not want to inhabit' these very same techniques and knowledge (Spivak, 1993: 44-46 and 1985: 350). This, I think, is a crucial counterpoint to Brown's proposal to view identity not as an ontological claim but as a political one. Spivak's account of identity as 'something one cannot not use' (Spivak, 1993: 5) highlights the ways in which one's ontological and historical conditions affect not only the ability to make political demands, but more profoundly, the existential and historical experiences of identity disclose the extent to which one is able to conceive of one's identity as political in the first place. Hence, whilst Brown's reformulation of identity-claims rests on the problematic distinction between the ontological and political valances of identity (and, one could further add, an absence of historical differences), Spivak's strategic essentialism reminds us of their *relationality*. It illustrates how claiming as a political activity is located within conditions of being that are also the result of one's relation to power. The political saliency (or lack thereof) of identity is, in other words, dependent on its well-being (or lack thereof), which is in turn shaped by power. To Brown's (and Butler's) point that identity-claims make us willing accomplices to the exclusionary logic of power, Spivak's response is that this complicity is, at times, unfortunately

fundamental to our survival.[8] Strategic essentialism thus renders visible the political, ontological, and historical stakes of identity and the ways in which each determine the rest.

Second, strategic essentialism allows for the affirmation of identity *within* a poststructrualist critique of it. What is interesting about Spivak's arguments is her insistence that the reconstruction of identity is compatible with, and in fact inspired by, the aims and ethics of deconstruction. 'Strategy', Spivak stresses, 'is not a theory' (Spivak, 1993: 4). On the contrary, it is 'a persistent (de)constructive critique of the theoretical' (Spivak, 1993: 3). Taken as such, the deployment of identity is in fact the continual questioning of what it, at any given time, designates. What NTA scholars might gain from this is an argument for how assertions of a specific collective's interests and aspirations can be made without their being a definitive account of what that identity is. Rather than a claim about its pre-givenness, claims to cultural autonomy can instead be approached as on-going discussions of what that cultural identity entails.

But perhaps this formulation of identity as "strategic" might strike some as, in the first place, problematic. What does it mean to claim identity strategically and how is one able to differentiate between strategic and non-strategic deployments? For Alcoff, strategic essentialism, because it implies a distinction between strategic and non-strategic assertions of identity, 'produces a politically pernicious elitism and even vanguardism when it operates to divide the "knowing" theorists who deploy identity strategically and the "unknowing" activists who continue to believe in identity' (Alcoff, 2000: 323). The charge of elitism aside, there is something to Alcoff's criticism that needs attending to. No doubt her unhappiness is motivated by the insinuation that identities possess no reality other than their strategic function. Strategic essentialism, on her count, rather than lend support to the import of identity, in fact de-values it by positing it simply as a 'dangerous fiction that we have to deploy only with great care' (Alcoff, 2000: 325). What is at stake in Alcoff's argument is the contention that identities are not merely politically necessary rhetoric, but are, in her terms, 'real' (Alcoff, 2000: 315-318).[9]

While I am hesitant to follow Alcoff in her characterization of identities as 'real' because of the ease with which the term invites misinterpretation, I wish to retain her point that identities are not simply ideological constructs but are, more profoundly, *lived experiences*. To say that identities are lived is to assert that identities

are processual, contextual, relational, and yet determining to a certain degree. They shape and frame our perceptions of self, our psychological and political attachments to others, and manifest in our bodily practices and interactions with each other. They also affect how one is perceived and treated, what one's life options might be, exposing us to differential possibilities of harm, care, violence, protection, and so on.

Acknowledging the impact identities have on our lives, however, does not immediately assume a fixed and deterministic account of identity. It is not that we are entirely confined by our psychosomatic trappings of identity and the social and political boundaries those trappings designate. Rather, Alcoff's point—one she makes by bringing ethnographic work on contemporary race and gender identities into conversation with Gadamerian hermeneutics and Merleau-Pontian phenomenology— in highlighting the lived dimensions of identity is to show how it is a process of meaning-making occurring within a particular social, political and historical context. Identities are, as she puts it:

> […] positioned or located lived experiences in which both individuals and groups work to construct meaning in relation to historical experience and historical narratives. Given this view, one might hold that when I am identified, it is my horizon of agency that is identified. Thus, identity are lived not as a discrete and stable set of interests, but as a site from which one must engage in the process of meaning-making and thus from which one is open to the world (Alcoff, 2005: 42).

By this account, identities are contingent and fluid but their meanings and impact are not completely indeterminate or absolutely changeable. This is because they are always embedded in certain histories and geographies that in turn affect one's position in current structures of power. 'Chicano', Alcoff gives as an example, 'signifies a colonial history with a present-day reach into the political economy of the labor market' (Alcoff, 2005: 114). Identities refer, in other words, not to a set of traits or practices but to one's historical and social position from which to negotiate.

For advocates of NTA, Alcoff's emphasis on the lived-ness of identity is a useful counter to the characterizations of identity offered by Butler and Brown. Rather than posit identity as a symptom of our pathological desire for subjection or revenge, Alcoff draws attention to the ways in which it can also be an active negotiation of one's position *vis-à-vis* others. 'We can use identity to talk not only about how one is *identified*', Alcoff notes, 'but how one *identifies with*' (Alcoff, 2000: 340). Even if one concedes, and I do, to the argument that identity-claims operate within the terms dictated by power and are hence necessarily formations of power, Alcoff's counter is

that precisely because identity is imbricated with power, these declarations disclose the types of historical, social and political relationships one is situated within, opening up the possibility of negotiating the specific meanings and implications of one's location. This might take us back to Spivak's strategic essentialism but, for Alcoff, the crucial difference is that these declarations are made not because they possess strategic value but because they are lived expressions of our everyday lives, of who we are and of our attachments to others. In what follows, I return to Spivak and Alcoff in an effort to articulate a little more substantially how their respective attempts to recuperate identity might prove useful to the scholarship on NTA.

5. Rethinking non-territorial autonomy

In his critique of consociationalism, Andrew Finlay argues that if advocates of NTA assert that they are not assuming essentialist identities but ones that are durable and currently-existing, then the question is begged: 'what is the difference? If identities are not primordial, how are they maintained, reproduced and passed on?' (Finlay, 2011: 90). For Finlay, posing the issue in this way draws attention to the cultivated nature of identity that in turn necessitates an investigation into the ways in which identity is produced and sustained. This, he argues, would lead to the revelation of the numerous regulatory techniques—mostly premised on fear and enmity—through which the state cultivates, normalizes and valorizes ethno-national identity (Finlay, 2011: 89, 101). In this regard, Finlay makes a similar argument to Butler and Brown, and indeed draws from them in his examination of the 1998 Good Friday Agreement in Northern Ireland and the 1995 Dayton Accords in Bosnia-Herzegovina.

I take Finlay's insistence that the profession of non-essentialism by advocates of NTA compels them to engage with the question of how identity is formed and sustained to be extremely valuable, but not for the reasons he thinks it is. Rather than pose this demand as a means to uncover the undemocratic dimensions and consequences of claims to ethno-cultural self-determination, I want to raise it in order to think of how such claims might be made without recourse to essentialist conceptions of identity. Asking *how* identity is created is, I propose, a first-step in moving away from seeing strategies of NTA as the efforts of fixed and already-constituted identities and towards a view that regards them as *part and parcel of the open-ended and on-going formation of such identities*. In many ways, this move is

already intimated within NTA scholarship as evidenced by the suggestion, raised in the report put out by the Workshop on NTA organized by the European Centre for Minority Issues in 2011, that 'if we want to avoid reification of boundaries and essentialization of group identities, we should regard autonomy as a process rather than condition or object' (Malloy cited by Osipov, 2011: 8). Hence, if the assertion is that, contrary to their critics, the appeals to and practices of collective self-determination do not lock people into fixed and exclusionary identity categories, then Finlay's demand offers the opportunity to, first, illustrate this through an exploration of how these appeals and practices are themselves constitutive of the on-going processes of identity-formation and, second, evaluate the modes and consequences of this constitution.

It is here that I think Spivak's and Alcoff's respective attempts to reclaim identity might prove useful. What both thinkers bring to the discussion, despite the latter's criticism of the former, is the attention paid to the relationality between the ontological and historical import of identity and the political necessity of making claims in its name. Spivak demonstrates why it might be politically necessary to do so insofar as one's being might be so thoroughly determined by power that the only way in which to assert oneself is according to the identity categories scripted in part by power; Alcoff shows why such claims cannot simply be construed as a matter of political urgency, but that they also testify to our conditions—historical, existential, social, political, and so on—of being in the world and in relations with others. To identify as a member of a minority culture and to claim some form of autonomy based on that identity is, on this account, not to assert a fixed and homogenous collective unity and identity. Rather, it is to articulate one's location within a specific nexus of power and historical circumstances and in so doing open the possibility of negotiating that location—its psychological and emotional meanings, its aspirations, interests, markers, access to political, social and economic resources, etc.—both within and without that cultural community.

What I am suggesting is that precisely because of the feedback loop between the ontological and historical meanings of identity and its political expressions, appeals for collective self-determination can be seen as an on-going negotiation rather than a foreclosure of the question of what that collective identity entails. Here Spivak's recuperation of identity within a poststructuralist critique illuminates how this might be possible. If, as she argues, affirming 'who I am' can be approached as a constant

critiquing of identity, then this suggests that the value of identity-based claims lies not only in their political worth (*i.e.* as a means of securing participation and access to resources) but in their capacity to reconfigure the everyday modalities and meanings of identity as well. In much the same way as declaring 'who I am' informs 'what I want for us', asserting the latter also molds the scope and content of the former. Put differently, claims to cultural autonomy are not descriptive but *transitive*, that is to say they act on the very thing they refer to.[10] Seen this way, the statement 'we have the right to self-determination' is less a description of a pre-existing reality than it is an on-going attempt to reflect on and shape the horizons of one's identity. In light of Alcoff's emphasis on the lived realities of identity, one can further regard this activity as the process through which one negotiates the historical, social and political positioning of one's identity *vis-à-vis* others. It compels us to ponder a whole host of questions—who is this 'we' that demands the right to autonomy?; what is my relation to this 'we'?; what is the relationship between this 'we' and the broader society?; and so on—all of which present opportunities for articulating and rearticulating our identities. Such a view of identity-based claims moves us away from viewing claims to cultural autonomy as definitive declarations of identity and towards one that regards it as constitutive expressions of the ways in which identity is lived and experienced.

This returns us to Finlay's question of how identities endure. To assert identity is thus to engage in the activity of negotiating our perceptions, practices and valuations of it. It is, in other words, one of the many ways in which identity is sustained through time, enabling it to function as a common basis upon which appeals to autonomy can be made. Here one might understand "common" not in terms of agreed upon markers or sets of values, but in terms of experiences that, insofar as they are lived and hence relational, are shared by all not in the sense that we all experience the same thing, but in the sense that our experiences overlap and intersect with each other. No doubt, some claims might aim to consolidate this basis by limiting the scope and content of identity-experiences. But the point is that they can conversely expand, enrich and reconfigure them. Differently put, perhaps the problem with Renner's 'personality principle' is not that it asks us to declare our cultural affiliations but that it asks us to do so once and only once, therefore foreclosing any on-going efforts to articulate and negotiate what that identity is and what it wants.

In putting together debates over identity found within feminism and those located within the field of NTA, this paper has suggested that feminist criticisms of identity-based claims and the counter-arguments for such claims offer insights into how advocates of NTA might avoid an essentialist/anti-essentialist polemic. As illustrated by turning to the works of Butler and Brown, the wariness of identity is motivated less by a concern over what identity is (or ought to be) than by a concern over the kinds of politics associated with it. How might one argue for a differentiated set of rights premised on cultural identity without reproducing existing conditions of marginality or creating new ones? How, moreover, might one do so without over-determining both the content of identity or the positions from which one can speak and act as a political agent? As exemplified by the responses by Spivak and Alcoff, one answer is to reframe identity-based claims as on-going negotiations of the historical, social and political relations that shape our membership in both the specific culture and the broader society as a whole. Approaching claims to NTA in this manner requires that the focus be shifted away from a discussion of what identity *is* to one that asks what such claims *do.* In so doing, what becomes of issue is not the possibility or even the ethics of making such claims but of the ways such claims are made, their implication, valences, and consequences.

Notes

1. For example, in the above-mentioned anthology, Christine Di Stefano asserts that 'the postmodernist project, if seriously adopted by feminists, would make any semblance of a feminist politics impossible' (Di Stefano, 1990: 76). Outside of feminist theory, J.G.A Pocock voices a similar concern when he writes: 'Under post-modern conditions, we do confront these alliances of unmakers, deconstructors, and decenterers, and our citizenship may have to be the only means of telling them where they get off […].[W]e have entered the post-modern and post-structuralist world in which the languages, constantly producing themselves, are more real than the people speaking them. We may have to resist this, and say that we have decided and declared who we are, that our words have gone forth and cannot be recalled, unspoken, deconstructed' (Pocock, 1995: 47).
2. It should be noted that these two models of autonomy are not mutually exclusive. Indeed, as has been noted, non-territorial approaches to autonomy can be traced by to the policies of certain pre-modern states, most notably the *millet* system of the Ottoman Empire (Coakley, 1994; Nimni, 2007).
3. This, however, does not mean that relatively stable categories have no place in politics, but that an attempt ought to be made in 'distinguishing among the norms and conventions that permit people to breathe, to desire, to love, and to live, and those norms and conventions that restrict or eviscerate the conditions of life itself' (Butler, 2004: 8).
4. Article 27 of the International Covenant on Civil and Political Rights suggests this and as Jeremy Waldron critically notes, some have interpreted Article 27 as being more than a non-discriminatory provision (Waldron, 1995: 97). See Franscesco Capotorti, *Study on*

the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, U.N. Doc. E/CN.4/Sub. 2/384/Rev. 1 (1979), 40-41 and 98-99.

5. In his critique of identity politics, William Connolly phrases this view in a way that highlights why the affirmation of identity often results in a logic and politics of *ressentiment*: 'Built into the dynamic of identity is a polemical temptation to translate differences through which it is specified into moral feelings or abnormalities […] You need identity to act and to be ethical, but there is a drive to diminish difference to complete itself inside the pursuit of identity. There is thus a paradoxical element in the politics of identity […]. It operates as pressure to make space for the fullness of self-identity for one constituency by marginalizing, demeaning, or excluding differences on which it depends to specify itself' (Connolly, 2002: xiv-xv).

6. Brown, in reference to Nietzsche's counsel on the virtues of forgetting, acknowledges that 'erased histories and historical invisibility are themselves such integral elements of the pain inscribed in most subjugated identities that the counsel to forget, at least in its unreconstructed Nietzschean form, seems inappropriate if not cruel' (Brown, 1995: 74).

7. Subaltern Studies Collective emerged in the 1980s comprising a group of mostly historians—Ranajit Guha, Partha Chatterjee, David Arnold and Gyanendra Pandey, to name a few—working in the field of South Asian studies. The initial purpose was to embark on a series of critical discussions on the elitist focus of South Asian historiography with the aim of writing history from 'below'. Drawing heavily from the works of Antonio Gramsci—from whom the term 'subaltern' was borrowed—the intellectual trajectory of the collective was at first characterized by a Marxist orientation that was later challenged with the introduction of various post-Marxist critiques, with poststructuralism being one of such critiques. The results of these discussions have been published in an on-going series of volumes, *Subaltern Studies*. Although originally a subcontinental project, 'subaltern studies' as a general project have since gained a foothold in other fields within postcolonial theory and cultural studies. For an overview of the origins and development of the collective see Vinayak Chaturvedi's *Mapping Subaltern Studies and the Postcolonial* (2012).

8. In response to Spivak's characterization of identity politics as something like a necessary evil, Brown writes that 'Spivak's grammar suggests a condition of constraint in the production of our desire so radical that it perhaps even turns that desire against itself, foreclosing our hopes in a language we can neither escape nor wield on our behalf' (Brown, 2000: 230).

9. Alcoff's describes her realist account of identity as a 'postpositivist realism' (Alcoff, 200: 317) that while recognizing that identities cultural and social negotiations still asserts that 'identities refer outward to objective and causally significant features of the world, that they are thus nonarbitrary, and that experience provides both an epistemic and political basis for understanding' (Alcoff, 2000: 315).

10. Two recent works, both drawing on J. L. Austin's theory of the performative utterance, instructively argue for a transitive model of claiming. See Jason Frank's *Constitutive Moments: Enacting the People in Postrevolutionary America* (2010) and Karen Zivi's *Making Rights Claims: A Practice of Democratic Citizenship* (2012).

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