## 1

#### Our Interpretation is the affirmative should instrumentally defend the resolution – hold the line, CX and the 1AC prove there’s no I-meet – anything new in the 1AR is either extra-T since it includes the non-topical parts of the Aff or effects-T since it’s a future result of the advocacy which both link to our offense.

#### “Resolved” means to enact by law.

Words & Phrases ’64

(Words and Phrases; 1964; Permanent Edition)

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Recognition is defined as legal authority in the context of international law.

**Britannica N.D**, world- renowned encyclopedia//Aanya https://www.britannica.com/topic/recognition-international-law

Recognition is a process whereby certain facts are accepted and endowed with a certain legal status, such as statehood, sovereignty over newly acquired territory, or the international effects of the grant of nationality.

**Recognition means policy action. Merriam-Webster N.D.** //Aanya https://www.merriam-webster.com/dictionary/recognize

to accept and approve of (something) as having legal or official authority ‘The U.S. government has now recognized the newly formed country.’ ‘They refused to recognize the treaty.’

#### “Ought to be” indicates a state of affairs and obligates an actor with the ability to bring about that state of affairs.

Hage 01 Jaap [Maastricht University, Law, Faculty Member, chair of Jurisprudence (Legal Theory) at the University of Maastricht (Netherlands)] “Contrary to Duty Obligations: A Study in Legal Ontology” in Bart Verheij, Arno R. Lodder, Ronald P. Loui and Antoinette J. Muntjewerff (eds.), Legal Knowledge and Information Systems. Jurix 2001: The Fourteenth Annual Conference. Amsterdam: IOS Press, 2001, pp. 89-102. IB

On the other interpretation, ought-to-be norms prescribe to see to it that the obligatory state of affairs is achieved or maintained, depending on whether the ideal state in question already obtains. Briefly stated. the obligation is to see to it that the obligatory state of affairs obtains. On this interpretation, the ought to be norm is ‘really' an ought-to-do norm in disguise, it is an incomplete ought-to-do norm, because it leaves the actor unspecified. This deficiency can be remedied, however, by saying that the actors are those who are responsible for seeing to it that the obligatory state of affairs is achieved or maintained.

#### Just implies a legal interpretation.

Us Legal, Inc., "Just Law and Legal Definition,", <https://definitions.uslegal.com/j/just/> //Aanya

The literal meaning of the term 'just' is fair, impartial, evenhanded, candid, or reasonable. It can also mean right or fair according to law. The term can be defined in a wider sense to mean ethically, morally and legally correct or right; lawful. Depending upon conformity to or in opposition to law all human actions are either just or unjust. Anything just would be in perfect harmony with the rights of others.

#### [4] Standards to Prefer:

#### First - Fairness – radically re-contextualizing the resolution lets them defend any method tangentially related to the topic exploding Limits, which erases neg ground via perms and renders research burdens untenable by eviscerating predictable limits. Procedural questions come first – debate is a game and it makes no sense to skew a competitive activity as it requires effective negation which incentivizes argument refinement, but skewed burdens deck pedagogical engagement.

#### Voting aff doesn’t access social change, but voting neg resolves our procedural impacts.

Ritter ‘13 (Michael J; JD from U Texas Law; 2013; “Overcoming The Fiction of “Social Change Through Debate”: What’s To Learn from 2pac’s Changes?”; National Journal of Speech and Debate, Vol. 2, Issue 1)

The structure of competitive interscholastic debate renders any message communicated in a debate round virtually incapable of creating any social change, either in the debate community or in general society. And to the extent that the fiction of social change through debate can be proven or disproven through empirical studies or surveys, academics instead have analyzed debate with nonapplicable rhetorical theory that fails to account for the unique aspects of competitive interscholastic debate. Rather, the current debate relating to activism and competitive interscholastic debate concerns the following: “What is the best model to promote social change?” But a more fundamental question that must be addressed first is: “Can debate cause social change?” Despite over two decades of opportunity to conduct and publish empirical studies or surveys, academic proponents of the fiction that debate can create social change have chosen not to prove this fundamental assumption, which—as this article argues—is merely a fiction that is harmful in most, if not all, respects. The position that competitive interscholastic debate can create social change is more properly characterized as a fiction than an argument. A fiction is an invented or fabricated idea purporting to be factual but is not provable by any human senses or rational thinking capability or is unproven by valid statistical studies. An argument, most basically, consists of a claim and some support for why the claim is true. If the support for the claim is false or its relation to the claim is illogical, then we can deduce that the particular argument does not help in ascertaining whether the claim is true. Interscholastic competitive debate is premised upon the assumption that debate is argumentation. Because fictions are necessarily not true or cannot be proven true by any means of argumentation, the competitive interscholastic debate community should be incredibly critical of those fictions and adopt them only if they promote the activity and its purposes

#### Fairness turns the Aff – 1] Solutions to status quo unfairness should not be to remove them for all but work to ensure that fairness in every instance is remedied and 2] An unlimited topic hurts low-income and minority debaters by allowing big schools infinite capacity to break non-T Affs – for people who can’t afford to work on debate full-time due to income concerns, their interp says unless you prep out every possible Aff, you will always lose.

#### Fairness,

#### 1] its an independent impact and prior to the aff intrinsically true in the context of a competitive activity, before you feel comfortable voting aff, you should determine the fair basis to adjudicate substance its contradictory to vote on fairness bad you have no obligation to evaluate their arguments or conclude the aff is a good idea, which proves the lack of fairness renders the activity incoherent

#### 2] Scope, it’s the only impact you can solve for, voting for them doesn’t resolve antiasianness in debate but voting for T remedies procedural inequalities caused by their aff

#### 3] Only way the game works, undergirds competitive incentive to research and prep engage and clash for argumentative evaluation, OOR and prep solves their education offense, but fairness ensures that this hour is productive, this protects under resourced debaters from impossible research burdens, their version makes debate pay to play, but our model makes that better by forcing large teams to be bound to the topic

#### Precision first—anything else justifies the aff arbitrarily jettisoning words in the resolution which decks predictable limits. 1AR counterinterps predicated on their ethical theory miss the boat—they must counter-define terms.

#### Second - Clash – picking any grounds for debate precludes the only common point of engagement, which obviates preround research and incentivizes retreat from controversy by eliminating any effective clash. Only the process of negation distinguishes debate and discussion by necessitating iterative testing and effective engagement, but an absence of constant refinement dooms revolutionary potential.

#### Third – SSD – their model that allows them to side-step the topic on both the Aff and Neg hurts debate as a site of role experimentation – choosing to individually engage both sides solves argument refinement and self-reflexivity breeding constantly evolving methodology which is key to activist resistance BUT side-stepping it ingrains ideological dogmatism by imposing artificial lines in the sand for what not to experiment replicating imperial ideologies about exclusion.

#### Legislative demands are necessary in mobilizing Asian American movements – otherwise their micropolitical strategy fials

McCann 12 (Michael McCann, *Inclusion, Exclusion, and the Politics of Rights Mobilization: Reflections on the Asian American Experience*, Seattle Journal for Social Justice Vol 11, <http://digitalcommons.law.seattleu.edu/sjsj/vol11/iss1/9>) klmd

LEARNING FROM THE ASIAN AMERICAN EXPERIENCE It is tempting to draw from my comments so far a fairly cynical view of law and rights. In short, law and rights simply reflect contests over power, at any moment just registering the ongoing trench war over who gets what and, specifically, who is included and excluded from full protection by the legal agents of dominant groups. I think there is much truth in such a skeptical view, but I also think it is simplistic. Framing struggles over power, position, and interest as claims of rights can impart a historically grounded ethical dimension to struggle. This framework can then open the possibility for changing relationships of power, in part by mobilizing the official legal establishment, but even more by potentially mobilizing citizens and organizations in civil society who stand up to challenge either the abuses of rights or the uses of rights to justify abuse, as in these two historical cases. Rights are words, often written on paper, but they become materially powerful when people, ordinary and extraordinary, invest in them meaning and faith through action to challenge the unjust and often arbitrary practices of dominant groups through and beyond states. And that is just the message preached and exemplified by Gordon Hirabayashi: rights must be mobilized and demanded routinely for them to matter in guiding governmental and social power. “As fine a document as the Constitution is,” Gordon Hirabayashi famously told a reporter, “it is nothing but a scrap of paper if citizens are not willing to defend it.”23 Such mobilization of rights in the cause of justice is hardly easy or natural, however, and Gordon’s legacy exemplifies what the struggle takes. For one thing, rights mobilization requires personal virtues of courage and willingness to make personal sacrifices. Gordon displayed such selfless bravery in his refusal to accept the order of internment, a defiant challenge to the illegitimate government denial of basic rights to him and other Japanese Americans. In waging his campaigns against criminalizing subjugation, he also had to resist the pressures of others in his community who discouraged “rocking the boat” and making a bad situation worse by challenging government injustice. Gordon made a “lonely stand” in his initial resistance.24 Young Filipino American activists in the 1970s, including Silme Domingo and Gene Viernes, displayed that same type of independent courage and persistence in the face of many obstacles and dangers. Indeed, they not only challenged powerful corporations and the American legal establishment that protected their unjust practices, but the young activists boldly opposed a dictator (who declared martial law) as well as his elite supporters in the American government.25 The young reformers also persisted when other workers, especially senior manongs, 26 were wary about defiant challenges to the status quo. Gordon was willing to go to prison; Gene and Silme lost their lives to assassins. Defiant action to demand rights can be risky business, and often requires such commitment and willingness to make sacrifices for larger causes. Personal courage and persistence alone are rarely sufficient. Struggles for rights also require organizational support, financial resources, and allied experts, usually including cause-oriented lawyers. Indeed, struggles for rights typically require movements that enlist many forms of organized support. The struggle for the ruling on coram nobis and legislated reparations during the 1980s, in particular, illustrates the important role of committed lawyers, community mobilization, and organizational alliance, both within and beyond the Japanese American communities. The Filipino Americans workers who initially fought for citizenship and workplace organizing rights, and later for workplace justice and democracy in the Philippines, likewise understood the political imperative to build a movement within the union, as well as within the broader Filipino community and beyond, including among diverse progressive organizations. Finally, each of these legacies illustrates that struggles for rights must be willing to go beyond exclusive reliance on litigation to produce change. In each campaign, efforts to mobilize media support, to influence public opinion, and to lobby members of government, the business community, and the academy were critical to success. Struggles over rights are most productive when they can convince dominant groups that it is both a matter of public principle and in the political interest of the majority, including the dominant group, to do the right thing.27 As Gordon put it, “I never look at my case as just my own, or just as a Japanese American case. It is an American case, with principles that affect the fundamental human rights of all Americans,” and, I might add, all peoples.28

#### State engagement is uniquely key for Asian American agency – their strategy is best when posited through institutional engagement

Lien 10 (Pei-te – Professor of Political Science, UC – Santa Barbara – Making of Asian America: Through Political Participation, p. xii-xiii) klmd

One thesis of the project is that, contrary to a triangulated group image of cultural docility, socioeconomic success, and political complacency, peoples of Asian descent have always been able to interact with a transpacific system of multiple forms of repression to bargain for their best possible space in American society and polity. Rather than being passive objects of social forces, Asian American men and women have been pragmatic and calculating actors who have adopted a multifaceted style of politics to maximize their chances of survival and their interests. Prior to the eras of modern civil rights and electoral politics, they manifested a variety of political strategies ranging from active resistance to accommodation, of tactics ranging from protest to litigation, and of styles encompassing both the left and the right ends of the political spectrum. Their explicit forms of political expression reflected the confluence of a complex dynamic between internal community structure and external legal, social, political, and international context. Their participation not only earned them a rightful place to survive and thrive in America but helped transform the identity of both the foreign- and the U.S.-born generations into one that is both ethnic and American.¶ Based primarily on theories of racial formation and panethnicization, I argue in Chapter 2 that it takes a strand of coalition-building movements for liberation, justice, and empowerment at the organizational level in the post-1965 era to transform the ethnic-specific group identity into one that is panethnic in nature. The chapter depicts the onerous birth and growth of the pas-Asian American community and identity into one that is panethnic in nature. The chapter depicts the onerous birth and growth of the pan-Asian American community and identity after 1965, in arenas moving from the margins to the mainstreams of American politics as well as from ethnic-specific group politics to panethnic and transnational politics. These transformations were made possible by the drastic expansion of the community population base since the passage of the 1965 U.S. Immigration Act, but they were also made more difficult by the subsequent rise in the diversification and fragmentation of the population. Nevertheless, concurrent changes in the domestic sociopolitical and global economic context threatening the primary identity and interests of the localized community created organizing momentum for a more coherent community, which demography alone does not predict.

#### Framework solves their offense – the recognition posited by the 1ac has already been introduced into the debate space – we just need to prove their political praxis can be done in conjunction with legal engagement – solves the aff

Woan ‘8 (Sunny Woan, White Sexual Imperialism: A Theory of Asian Feminist Jurisprudence, Washington and Lee Journal of Civil Rights and Social Justice Volume 14 Issue 2, <https://scholarlycommons.law.wlu.edu/crsj/vol14/iss2/5>) klmd

Where Do We Go From Here? The U.S. recognizes the profound harms that the institution of slavery caused during the early parts of American history which still endure today. Yet what about imperialism? Students read of it from textbooks in neutral language. No sense of penance comes with the recounts of U.S. occupation in Asia. Considering the general trends of the Asian and diasporic Asian communities enumerated in this essay, chiefly, severe underreporting of violent crimes inflicted upon them and a lack of scholarship examining the role imperialism played in the subjugation of Asian women, it comes as no surprise that history, through America's eyes, would white-wash the imperialized experience Asians endure even well into this century. Asian men feel emasculated from the American media's portrayal of them as effeminate, and many Asian women's subconscious preference for dating White men over Asian men-a trend which has become increasingly popular. White men display the "Asian fetish" syndrome, a symptom of not only the desire for male dominance, but also the imported stereotype that Asian women want to be dominated. The mail-order bride industry flourishes, capitalizing on the "Asian fetish." Then, the overrepresentation of Asian women in pornography perpetuate the entire cycle of White sexual imperialism as experienced by Asian women today. The action this Article calls for is humble, but significant: recognition. Recognize the pervasiveness of White sexual imperialism, understand its roots and where the branches pan out, and see how firmly implanted it is in the lives of those in the Asian community. The author asks for little more for now: merely recognition. "Oppressed groups need the law," said Professor Cynthia 216 Bowman. Thus, recognition of White sexual imperialism begins with the law. 213 See supra Part III.A. 1 (discussing case where Japanese women were raped, tortured, and sold into sexual slavery during World War I). V. Conclusion The Western world's desire for imperialistic domination over Asia relates to its desire for sexual domination over Asian women. In Asian feminist jurisprudence, the theoretical principle of White sexual imperialism explains the inequality Asian and diasporic Asian women face today. Without first undermining the White sexual imperialist regime, Asian feminists cannot effectively achieve sexual-racial equality for Asian and diasporic Asian women. Without first undermining the White sexual imperialist regime, violent crimes against Asian victims will continue to be largely perpetrated by White men and, moreover, women of Asian descent will find no peace from the hyper-sexed stereotypes. Knowledge of social conditions as a vehicle for consciousness-raising shows women their situation in way that affirms they can change it.217 Thus, knowledge of White sexual imperialism as a vehicle for consciousness-raising shows Asian feminists just how deep they must dig to uproot the systemic inequality. While much literature has focused on sexual violence against White women, Blacks and Latinas, very few studies have looked at sexual violence against Asian women.218 This Article urges continued and active scholarship in Asian feminist jurisprudence, particularly through the fisheye lens of White sexual imperialism. Understanding intersectionality issues with the historical dimension of colonialism will help expose otherwise latent forces that work at conserving injurious sex and race disparities.

#### The aff’s caricatures can be utilized to access institutional power and representation – they have it backwards – coalitional activists agree

Choi ’16 (Jennifer Choi, *Owning our Power: Asian Americans and Civic Engagement,* <https://aapip.org/our-stories/owning-our-power-asian-americans-and-civic-engagement>) klmd

As a new co-chair of AAPIP’s Chicago chapter, I was tasked to assist my partner-in-crime and co-chair Hina Mahmood in hosting a community briefing exploring what the Asian American community could do to build Asian American political power in the 2016 general election and beyond. We held a two-hour event on August 23, 2016 that featured two panels: the first featuring two Asian American candidates and their experiences running for state legislative office; and the second featuring various tools Asian American constituents can utilize to build political power for our communities beyond throwing one’s own hat in the race. Tuyet Le, Executive Director of Asian Americans Advancing Justice in Chicago (Advancing Justice | Chicago), set the stage from an historical and current landscape analysis perspective that framed the growing Asian immigrant population (and thereby political influence opportunities) in Chicago. This included much of the important research on Asian Americans and the local political landscape that Advancing Justice | Chicago has sponsored. I never really considered myself as civically engaged from a political standpoint, but I have always owed my career trajectory to my colleagues and friends in the local Asian American community. I grew my career as one of the pioneering local Asian American artists in Chicago back in the ‘90’s. Eventually I transitioned into the non-profit sector starting with an Asian immigrant domestic violence agency called KAN-WIN. The rest is history – from my involvement with Asian Giving Circle and with AAPIP. It was a poignant moment to see many of the same faces of those I have worked alongside on various issues affecting the Asian American community over the years, reflecting on the powerful moment our community is experiencing now. As a result of our state primary elections, we now have the first Asian American elected to the Illinois General Assembly, and the first Asian American who would be elected to a countywide board in Cook County. A few tools shared and discussed included Get Out the Vote voter education campaigns, poll watching and volunteering, Automatic Voter Registration, and redistricting reform. For decades we have been considered the “model minority” and, for the most part, have been ignored, all while fostering our own emerging leaders in the Asian American community. For us, this is an opportunity to become decision-makers at the table and shake things up, instead of a “would-be, safe and silent” supporter of the status quo. There was a lot of excitement and gratitude in the room, and I look forward to the next empowering chapter ahead.

#### Fiat is not "coercive mimeticism" but a pragmatic engagement with the law that embraces multiple consciousness – that’s to material changes, no matter how small. Independently, affirming the "Asian American" as a static category is bad BUT deconstruction thru pragmatic struggle solves.

**Chang, 93** **(Robert S. Chang, serves on the advisory board of Berkeley’s Asian American Law, October 1993, accessed on 2-13-2021, *California Law Review*, "Toward an Asian American Legal Scholarship: Critical Race Theory, Post-structuralism, and Narrative Space", https://digitalcommons.law.seattleu.edu/faculty/411/) //lex dy**

We see, then, that though there is power in affirming the category Asian American, the category is also limiting, especially because it remains defined in terms of the dominant group.414 As long as our identity is defined oppositionally or in contradistinction to others, we are still enslaved to a degree. That the term "Asian American" can be an oppressive categorization is the starting point of the third branch of Asian American Legal Scholarship-post-structuralism-which deconstructs the category "Asian American," emancipating us from its limits. Only when we are free of it can we be free to give ourselves our own identity.415 Only in this way can we be free to embrace our identity rather than having our identity thrust upon us from the outside.416 The question becomes whether Asian American Legal Scholarship can survive this post-structural deconstruction of the category "Asian American."417 If a full post-structural critique deconstructs all categories, including race, then once the category "Asian American" is deconstructed, so the question goes, how can it any longer serve as a useful category? This critique misunderstands deconstruction. Part of the problem lies in the word "deconstruction" which implies a breaking down or breaking apart.418 Deconstruction does no such thing. It reveals things to be historically situated and socially constructed, but this realization in no way changes the current construction of the category except to remove any foundational claims.419 Deconstruction simply reveals the potential for change; a category could be constructed differently in the future, or perhaps our present could be reconstructed differently by revising or reinterpreting our past.420 To reiterate, in no way does deconstructing the category "Asian American" change the fact that I am an Asian American. My context has constructed me as Asian American. This understanding of contextual situatedness enables Post-structural Asian American Legal Scholarship to use multiple consciousness as a method to understand and participate in Stages One, Two, and Three without inconsistency.421 It is able to do this because it understands law as a contextual practice that has certain rules. Even while it criticizes and tries to undermine those rules, it can engage in civil rights struggles because it understands that removal of oppression is beneficial, even if it must come in stages. Mari Matsuda's article, Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction, 422 is an example of multiple consciousness at work. She says at the end of her article, "I have written to persuade readers of good will to adopt legal rules and ethical positions that promote linguistic pluralism. I have used existing legal doctrine, traditional liberal theory, and new critical theories in this effort."423 She recognizes the inherent contradictions, the internal inconsistencies of doing all three, yet she is able to do it because an Asian American Legal Scholarship has a pragmatic face. It has a multiple consciousness that can assume various guises. It assumes these guises with a final goal in mind: liberation. Tremendous diversity exists within the category "Asian American." And tremendous diversity exists among the disempowered. We must remember, though, that it is only through solidarity that we will one day be free to express our diversity.

#### TVA – [Affirm a unconditional right to strike for asian people that attempts to declare radicality with the system, solves all of your offense]

1AC chow and freeman are tvas—proves that you can defend material action with a realiton to the topic but still access ur lit base.—lines in the card said unions turned to LEGAL ACTION

#### TVA is terminal defense – proves our models aren’t mutually exclusive - any response to the substance of the TVA is offense for us because it proves our model allows for clear contestation. Form over Content doesn’t take it out since we don’t restrict Form, just the substantive burden of the Aff.

#### Prefer Competing Interpretations – reasonability is arbitrary and causes a race to the bottom. This means reject Aff Impact Turns predicated on their theory since we weren’t able to adequately prepare for it.

## Case

#### The affirmative essentializes the model minority experience---that results in homogenization and recreation of a Eurocentric standpoint---turns case.

Osajima 98 – a professor and Director of the Race and Ethnic Studies Program at the University of Redlands (Keith, “Pedagogical Considerations in Asian American Studies”, Oct, 1998, Journal of Asian American Studies Volume 1, Number 3, Project Muse)

Teaching Asian American Studies--Theoretical Reconsiderations Teaching courses on Asian Americans requires that we respond to the challenges brought forth by changing those demographic, political, and institutional contexts shaping the field. Recent theoretical discussions on the direction of Asian American studies provide some guidance in [End Page 273] fashioning a response. They broadly suggest that we rethink the "essentialist tendencies" that have strongly informed the development of the field and teaching of our classes. Essentialism refers to efforts that reduce the complex and diverse experiences of Asian Americans into a few governing themes, patterns, narratives, or unifying concepts. In Asian American literature, for example, Lisa Lowe argued that there has been a tendency to reduce the complexity of Asian experiences into essentialist patterns of generational conflict and filial relations. 14 Shirley Hune observes that the presentation of Asian American history is often dominated by a victimization paradigm, where the main narrative portrays Asians as victimized by the racial oppression of whites. 15 In the social sciences, the Asian American experience has often been reduced to simplistic push-pull migration models, or universal patterns of assimilation, or developmental models of identity. Those critics argue that essentialism oversimplifies and homogenizes the Asian American experience and fails to analyze adequately the complexity and diversity that has accompanied demographic change. Organizing our classes around such essentializing schemas limit our ability to deal with the nuance and complexity of the Asian American experience. The search for unifying themes problematically excludes issues and unwittingly reinforces traditional, Eurocentric, disciplinary approaches to inquiry. Elaine Kim describes the dilemma well in her candid assessment of her own approach to literary analysis: I looked for unifying thematic threads and tidy resolutions that might ease the pain of displacement and heal the exile, heedless of what might be missing from this homogenizing approach and oblivious to the parallels between what I was doing and the dominant culture attempts to reduce Asian American experiences to developmental narratives about a movement from "primitive," "Eastern," and foreign immigrant to "civilized," Western, and "Americanized" loyal citizen. 16 To counter the hold of reductionist, homogenizing paradigms, Asian Americanists identify a number of ways to expand and add complexity to how we think about Asian America. Peter Kwong, for example, revisits the call for more attention to class dynamics. 17 He argues that a focus [End Page 274] on class will help us to see and understand the conflicts between the "uptown" middle- and upper-class Asians and the "downtown" working-class Asians. 18 Patricia Limerick adds that attention to class would deepen our understanding of relations between racial groups. We would have to "reckon with the events of 1933, when Mexican agricultural workers went on strike against Japanese berry growers . . . who were themselves working hard against the unjust disadvantages of the California Alien Land Law." 19 Along similar lines, we see expansion of Asian American studies in the area of gender issues. The work on Asian American women is substantial and growing. Recently, this work has been augmented by a focus on issues of sexuality and queer studies. This is an important breakthrough, bringing into view topics that have been "regularly shrouded in particular forms of silence in the Asian American community." 20 Central to work in this area are feminist and postmodern theoretical insights that examine how our subjectivities and identities are socially constructed within contexts of powerful discourses that define and shape social reality. Rather than treat identity as a fixed, singular entity, Asian Americanists working here urge us to see how our identities are multiple and fluid, situated and heterogeneous. An expanded Asian American studies is also moving away from dichotomous categorizations which create problematic boundaries and limitations in our analyses. For example, Shirley Hune challenges us to adopt more complex views of racism to counter the dichotomous black/white model. She wrote: "A binary paradigm is inadequate in a multiracial context. What is needed is a framework that incorporates multiple racial groups and explores the complexity of current and future inter-group dynamics." 21 Michael Omi and Howard Winant's work on "racial formations" has been particularly influential in this area. 22 Their attention to the historical, political, and discursive processes by which meanings of race and racism are contested and constructed has helped to break from static conceptualizations. Sau-ling Wong's notion of "denationalization," breaks from a domestic/foreign dichotomy that sometimes separates and draws rigid lines between the experiences of Asians in the United States and their experiences and ties to Asia. 23 She [End Page 275] argues that we must locate the Asian American experience as part of a "global scattering of peoples of Asian origin"--what she refers to as a "diasporic perspective." 24 Underscoring many of the calls for an expanded and complex Asian American studies is a renewed emphasis on cross-disciplinary approaches to inquiry.

#### Performance is not a mode of resistance – it gives too much power to the audience because the performer is structurally blocked from controlling the (re)presentation of their representations.

Phelan 96—chair of New York University's Department of Performance Studies (Peggy, Unmarked: the politics of performance, ed published in the Taylor & Francis e-Library, 2005, 146-9) 146

Performance’s only life is in the present. Performance cannot be saved, recorded, documented, or otherwise participate in the circulation of representations of representations: once it does so, it becomes something other than performance. To the degree that performance attempts to enter the economy of reproduction it betrays and lessens the promise of its own ontology. Performance’s being, like the ontology of subjectivityproposed here, becomes itself through disappearance. The pressures brought to bear on performance to succumb to thelaws of the reproductive economy are enormous. For only rarely in this culture is the “now” to which performance addresses its deepest questions valued. (This is why the now is supplemented and buttressedby the documenting camera, the video archive.) Performance occursover a time which will not be repeated. It can be performed again, butthis repetition itself marks it as “different.” The document of a performance then is only a spur to memory, an encouragement of memory to become present. The other arts, especially painting and photography, are drawnincreasingly toward performance. The French-born artist Sophie Calle,for example, has photographed the galleries of the Isabella StewartGardner Museum in Boston. Several valuable paintings were stolen fromthe museum in 1990. Calle interviewed various visitors and membersof the muse um staff, asking them to describe the stolen paintings. She then transcribed these texts and placed them next to the photographs of the galleries. Her work suggests that the descriptions and memories of the paintings constitute their continuing “presence,” despite the absence of the paintings themselves. Calle gestures toward a notion of the interactive exchange between the art object and the viewer. While such exchanges are often recorded as the stated goals of museums and galleries, the institutional effect of the gallery often seems to put the masterpiece under house arrest, controlling all conflicting and unprofessional commentary about it. The speech act of memory and description (Austin’s constative utterance) becomes a performative expression when Calle places these commentaries within the 147 representation of the museum. The descriptions fill in, and thus supplement (add to, defer, and displace) the stolen paintings. The factthat these descriptions vary considerably—even at times wildly—onlylends credence to the fact that the interaction between the art objectand the spectator is, essentially, performative—and therefore resistantto the claims of validity and accuracy endemic to the discourse of reproduction. While the art historian of painting must ask if thereproduction is accurate and clear, Calle asks where seeing and memoryforget the object itself and enter the subject’s own set of personalmeanings and associations. Further her work suggests that the forgetting(or stealing) of the object is a fundamental energy of its descriptiverecovering. The description itself does not reproduce the object, it ratherhelps us to restage and restate the effort to remember what is lost. Thedescriptions remind us how loss acquires meaning and generatesrecovery—not only of and for the object, but for the one who remembers.The disappearance of the object is fundamental to performance; itrehearses and repeats the disappearance of the subject who longs alwaysto be remembered. For her contribution to the Dislocations show at the Museum of Modern Art in New York in 1991, Calle used the same idea but this time she asked curators, guards, and restorers to describe paintings that were on loan from the permanent collection. She also asked them to draw small pictures of their memories of the paintings. She then arranged the texts and pictures according to the exact dimensions of the circulating paintings and placed them on the wall where the actual paintings usually hang. Calle calls her piece Ghosts, and as the visitor discovers Calle’s work spread throughout the museum, it is as if Calle’s own eye is following and tracking the viewer as she makes her way through the museum.1 Moreover, Calle’s work seems to disappear because it is dispersed throughout the “permanent collection”—a collection which circulates despite its “permanence.” Calle’s artistic contribution is a kind of self-concealment in which she offers the words of others about other works of art under her own artistic signature. By making visible her attempt to offer what she does not have, what cannot be seen, Calle subverts the goal of museum display. She exposes what the museum does not have and cannot offer and uses that absence to generate her own work. By placing memories in the place of paintings, Calle asks that the ghosts of memory be seen as equivalent to “the permanent collection” of “great works.” One senses that if she asked the same people over and over about the same paintings, each time they would describe a slightly different painting. In this sense, Calle demonstrates the performative quality of all seeing. 148 I Performance in a strict ontological sense is nonreproductive. It is this quality which makes performance the runt of the litter of contemporary art. Performance clogs the smooth machinery of reproductive representation necessary to the circulation of capital. Perhaps nowhere was the affinity between the ideology of capitalism and art made more manifest than in the debates about the funding policies for the National Endowment for the Arts (NEA).2 Targeting both photography and performance art, conservative politicians sought to prevent endorsing the “real” bodies implicated and made visible by these art forms. Performance implicates the real through the presence of living bodies. In performance art spectatorship there is an element of consumption: there are no left-overs, the gazing spectator must try to take everything in. Without a copy, live performance plunges into visibility—in a maniacally charged present—and disappears into memory, into the realm of invisibility and the unconscious where it eludes regulation and control. Performance resists the balanced circulations of finance. It saves nothing; it only spends. While photography is vulnerable to charges of counterfeiting and copying, performance art is vulnerable to charges of valuelessness and emptiness. Performance indicates the possibility of revaluing that emptiness; this potential revaluation gives performance art its distinctive oppositional edge.3 To attempt to write about the undocumentable event of performance is to invoke the rules of the written document and thereby alter the event itself. Just as quantum physics discovered that macro-instruments cannot measure microscopic particles without transforming those particles, so too must performance critics realize that the labor to write about performance (and thus to “preserve” it) is also a labor that fundamentally alters the event. It does no good, however, to simply refuse to write about performance because of this inescapable transformation. The challenge raised by the ontological claims of performance for writing is to re-mark again the performative possibilities of writing itself. The act of writing toward disappearance, rather than the act of writing toward preservation, must remember that the after-effect of disappearance is the experience of subjectivity itself. This is the project of Roland Barthes in both Camera Lucida and Roland Barthes by Roland Barthes. It is also his project in Empire of Signs, but in this book he takes the memory of a city in which he no longer is, a city from which he disappears, as the motivation for the search for a disappearing performative writing. The trace left by that script is the meeting-point of a mutual disappearance; shared subjectivity is possible for Barthes because two people can recognize the same Impossible. To live for a love whose goal is to share the Impossible is both a humbling project and an exceedingly ambitious one, for it seeks to find connection only in that which is no longer there. Memory. Sight. Love. It must involve a full seeing of the Other’s absence (the ambitious part), a seeing which also entails the acknowledgment of the Other’s presence (the humbling part). For to acknowledge the Other’s (always partial) presence is to acknowledge one’s own (always partial) absence. In the field of linguistics, the performative speech act shares with the ontology of performance the inability to be reproduced or repeated. “Being an individual and historical act, a performative utterance cannot be repeated. Each reproduction is a new act performed by someone who is qualified. Otherwise, the reproduction of the performative utterance by someone else necessarily transforms it into a constative utterance.”4 149 Writing, an activity which relies on the reproduction of the Same(the three letters cat will repeatedly signify the four-legged furry animalwith whiskers) for the production of meaning, can broach the frame of performance but cannot mimic an art that is nonreproductive. Themimicry of speech and writing, the strange process by which we put words in each other’s mouths and others’ words in our own, relies on a substitutional economy in which equivalencies are assumed and re-established. Performance refuses this system of exchange and resists the circulatory economy fundamental to it. Performance honors the idea that a limited number of people in a specific time/space frame can have an experience of value which leaves no visible trace afterward. Writing about it necessarily cancels the “tracelessness” inaugurated within this performative promise. Performance’s independence from mass reproduction, technologically, economically, and linguistically, is its greatest strength. But buffeted by the encroaching ideologies of capitaland reproduction, it frequently devalues this strength. Writing aboutperformance often, unwittingly, encourages this weakness and falls inbehind the drive of the document/ary. Performance’s challenge to writingis to discover a way for repeated words to become performative utterances, rather than, as Benveniste warned, constative utterances.

#### Resistance via the ballot can only instill an adaptive politics of being and effaces the institutional constraints that reproduce structural violence

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For some, fueled by opprobrium toward regulatory norms or other mo- dalities of domination, the language of "resistance" has taken up the ground vacated by a more expansive practice of freedom. For others, it is the discourse of “empowerment” that carries the ghost of freedom's valence ¶ 22¶. Yet as many have noted, insofar as resistance is an effect of the regime it opposes on the one hand, and insofar as its practitioners often seek to void it of normativity to differentiate it from the (regulatory) nature of what it opposes on the other, it is at best politically rebellious; at worst, politically amorphous. Resistance stands against, not for; it is re-action to domination, rarely willing to admit to a desire for it, and it is neutral with regard to possible political direction. Resistance is in no way constrained to a radical or emancipatory aim. a fact that emerges clearly as soon as one analogizes Foucault's notion of resistance to its companion terms in Freud or Nietzsche. Yet in some ways this point is less a critique of Foucault, who especially in his later years made clear that his political commitments were not identical with his theoretical ones (and un- apologetically revised the latter), than a sign of his misappropriation. For Foucault, resistance marks the presence of power and expands our under- standing of its mechanics, but it is in this regard an analytical strategy rather than an expressly political one. "Where there is power, there is resistance, and yet. or rather consequently, this resistance is never in a position of exteriority to power. . . . (T]he strictly relational character of power relationships . . . depends upon a multiplicity of points of resis- tance: these play the role of adversary, target, support, or handle in power relations.\*39 This appreciation of the extent to which resistance is by no means inherently subversive of power also reminds us that it is only by recourse to a very non-Foucaultian moral evaluation of power as bad or that which is to be overcome that it is possible to equate resistance with that which is good, progressive, or seeking an end to domination. ¶ If popular and academic notions of resistance attach, however weakly at times, to a tradition of protest, the other contemporary substitute for a discourse of freedom—“empowerment”—would seem to correspond more closely to a tradition of idealist reconciliation. The language of resistance implicitly acknowledges the extent to which protest always transpires inside the regime; “empowerment,” in contrast, registers the possibility of generating one’s capacities, one’s “self-esteem,” one’s life course, without capitulating to constraints by particular regimes of power. But in so doing, contemporary discourses of empowerment too often signal an oddly adaptive and harmonious relationship with domination insofar as they locate an individual’s sense of worth and capacity in the register of individual feelings, a register implicitly located on some- thing of an other worldly plane vis-a-vis social and political power. In this regard, despite its apparent locution of resistance to subjection, contem- porary discourses of empowerment partake strongly of liberal solipsism—the radical decontextualization of the subject characteristic of¶ 23¶ liberal discourse that is key to the fictional sovereign individualism of liberalism. Moreover, in its almost exclusive focus on subjects’ emotionalbearing and self-regard, empowerment is a formulation that converges with a regime’s own legitimacy needs in masking the power of the regime.¶ This is not to suggest that talk of empowerment is always only illusion or delusion. It is to argue, rather, that while the notion of empowerment articulates that feature of freedom concerned with action, with being more than the consumer subject figured in discourses of rights and eco- nomic democracy, contemporary deployments of that notion also draw so heavily on an undeconstructed subjectivity that they risk establishing a wide chasm between the (experience of) empowerment and an actual capacity to shape the terms of political, social, or economic life. Indeed, the possibility that one can “feel empowered” without being so forms an important element of legitimacy for the antidemocratic dimensions of liberalism.

#### The AFF imagines that bringing the suffering body into the debate space becomes a prophylactic for violence. Othered bodies are vamiprically drained of life, turning the case

Berlant 98

(Lauren, George M. Pullman Professor, Department of English, University of Chicago, “Poor Eliza,” American Literature, Vol. 70, No. 3, No More Separate Spheres! (Sep., 1998), Duke University Press, pg. 635-668)

What distinguishes these critical texts are the startling ways they struggle to encounter the Uncle Tom form without reproducing it, declining to pay the inheritance tax. The postsentimental does not involve an aesthetic disruption to the contract sentimentality makes between its texts and readers -that proper reading will lead to better feeling and therefore to a better self. What changes is the place of repetition in this contract, a crisis frequently thematized in formal aesthetic and generational terms. In its traditional and political modalities, the sentimental promises that in a just world a consensus will already exist about what constitutes uplift, amelioration, and emancipation, those horizons toward which empathy powerfully directs itself. Identification with suffering, the ethical response to the sentimental plot, leads to its repetition in the audience and thus to a generally held view about what transformations would bring the good life into being. This presumption, that the terms of consent are trans- historical once true feeling is shared, explains in part why emotions, especially painful ones, are so central to the world-building aspects of sentimental alliance. Postsentimental texts withdraw from the contract that presumes consent to the conventionally desired outcomes of identification and empathy. The desire for unconflictedness might very well motivate the sacrifice of surprising ideas to the norms of the world against which this rhetoric is being deployed. What, if anything, then, can be built from the very different knowledge/experience of subaltern pain? What can memory do to create conditions for freedom and justice without reconfirming the terms of ordinary subordination? More than a critique of feeling as such, the postsentimental modality also challenges what literature and storytelling have come to stand for in the creation of sentimental national subjects across an almost two-century span. Three moments in this genealogy, which differ as much from each other as from the credulous citation of Uncle Tom's Cabin we saw in The King and I and Dimples, will mark here some potential within the arsenal that counters the repetition compulsions of sentimentality. This essay began with a famous passage from James Baldwin's "Everybody's Protest Novel," a much-cited essay about Uncle Tom's Cabin that is rarely read in the strong sense because its powerful language of rageful truth-telling would shame in advance any desire to make claims for the tactical efficacy of suffering and mourning in the struggle to transform the United States into a postracist nation. I cited Baldwin's text to open this piece not to endorse its absolute truth but to figure its frustrated opposition to the sentimental optimism that equates the formal achievement of empathy on a mass scale with the general project of democracy. Baldwin's special contribution to what sentimentality can mean has been lost in the social-problem machinery of mass society, in which the production of tears where anger or nothing might have been became more urgent with the coming to cultural dominance of the Holocaust and trauma as models for having and remembering collective social experience.20 Currently, as in traditional sentimentality, the authenticity of overwhelming pain that can be textually performed and shared is disseminated as a prophylactic against the reproduction of a shocking and numbing mass violence. Baldwin asserts that the overvaluation of such redemptive feeling is precisely a condition of that violence**.** Baldwin's encounter with Stowe in this essay comes amidst a general wave of protest novels, social-problem films, and film noir in the U.S. after World War Two: Gentleman's Agreement, The Postman Always Rings Twice, The Best Years of Our Lives. Films like these, he says, "emerge for what they are: a mirror of our confusion, dishonesty, panic, trapped and immobilized in the sunlit prison of the American dream." They cut the complexity of human motives and self-understanding "down to size" by preferring "a lie more palatable than the truth" about the social and material effects the liberal pedagogy of optimism has, or doesn't have, on "man's" capacity to produce a world of authentic truth, justice, and freedom.21 Indeed, "truth" is the keyword for Baldwin. He defines it as "a devotion to the human being, his freedom and fulfillment: freedom which cannot be legislated, fulfillment which cannot be charted."22 In contrast, Stowe's totalitarian religiosity, her insistence that subjects "bargain" for heavenly redemption with their own physical and spiritual mortification, merely and violently confirms the fundamental abjection of all persons, especially the black ones who wear the dark night of the soul out where all can see it. Additionally, Baldwin argues that Uncle Tom's Cabin instantiates a tradition of locating the destiny of the nation in a false model of the individual soul, one imagined as free of ambivalence, aggression, or contradiction. By "human being" Baldwin means to repudiate stock identities as such, arguing that their stark simplicity confirms the very fantasies and institutions against which the sentimental is ostensibly being mobilized. This national-liberal refusal of complexity is what he elsewhere calls "the price of the ticket" for membership in the American dream.23 As the Uncle Tom films suggest, whites need blacks to "dance" for them so that they might continue disavowing the costs or ghosts of whiteness, which involve religious traditions of self-loathing and cultural traditions confusing happiness with analgesia. The conventional reading of "Everybody's Protest Novel" sees it as a violent rejection of the sentimental.24 It is associated with the feminine (Little Women), with hollow and dishonest capacities of feeling, with an aversion to the real pain that real experience brings. "Causes, as we know, are notoriously bloodthirsty," he writes.25 The politico-sentimental novel uses suffering vampirically to simplify the subject, thereby making the injunction to empathy safe for the subject. Of course there is more to the story. Baldwin bewails the senti- mentality of Richard Wright's Native Son because Bigger Thomas is not the homeopathic Other to Uncle Tom after all, but one of his "children," the heir to his negative legacy.26 Both Tom and Thomas live in a simple relation to violence and die knowing only slightly more than they did before they were sacrificed to a white ideal of the soul's simple purity, its emptiness. This addiction to the formula of redemption through violent simplification persists with a "terrible power": it confirms that U.S. minorities are constituted as Others even to themselves through attachment to the most hateful, objectified, cartoon-like versions of their identities, and that the shamed subcultures of America really are, in some way, fully expressed by the overpresence of the stereotypical image.

#### Vote neg to vote aff - their call for a ballot is to breathe life into the system that consumes all beings for dead labor which is turned on its head for more and more production

Bifo 11 – (Franco “Bifo” Berardi, *After the Future* pg 106-108)

\*\*\*We don’t endorse the author’s use of suicide metaphors

Nothing, not even the system, can avoid the symbolic obligation, and it is in this trap that the only chance of a catastrophe for capital remains. The system turns on itself, as a scorpion does when encircled by the challenge of death. For it is summoned to answer, if it is not to lose face, to what can only be death. The system must itself commit suicide in response to the multiplied challenge of death and suicide. So hostages are taken. On the symbolic or sacrificial plane, from which every moral consideration of the innocence of the victims is ruled out the hostage is the substitute, the alter-ego of the terrorist, the hostage’s death for the terrorist. Hostage and terrorist may thereafter become confused in the same sacrificial act. (Baudrillard 1993a: 37) In these impressive pages Baudrillard outlines the end of the modern dialectics of revolution against power, of the labor movement against capitalist domination, and predicts the advent of a new form of action which will be marked by the sacrificial gift of death (and self-annihilation). After the destruction of the World Trade Center in the most important terrorist act ever, Baudrillard wrote a short text titled The Spirit of Terrorism where he goes back to his own predictions and recognizes the emergence of a catastrophic age. When the code becomes the enemy the only strategy can be catastrophic: all the counterphobic ravings about exorcizing evil: it is because it is there, everywhere, like an obscure object of desire. Without this deep-seated complicity, the event would not have had the resonance it has, and in their symbolic strategy the terrorists doubtless know that they can count on this unavowable complicity. (Baudrillard 2003: 6) This goes much further than hatred for the dominant global power by the disinherited and the exploited, those who fell on the wrong side of global order. This malignant desire is in the very heart of those who share this order’s benefits. An allergy to all definitive order, to all definitive power is happily universal, and the two towers of the World Trade Center embodied perfectly, in their very double-ness (literally twin-ness), this definitive order: No need, then, for a death drive or a destructive instinct, or even for perverse, unintended effects. Very logically – inexorably – the increase in the power heightens the will to destroy it. And it was party to its own destruction. When the two towers collapsed, you had the impression that they were responding to the suicide of the suicide-planes with their own suicides. It has been said that “Even God cannot declare war on Himself.” Well, He can. The West, in position of God (divine omnipotence and absolute moral legitimacy), has become suicidal, and declared war on itself. (Baudrillard 2003: 6-7) In Baudrillard’s catastrophic vision I see a new way of thinking subjectivity: a reversal of the energetic subjectivation that animates the revolutionary theories of the 20th century, and the opening of an implosive theory of subversion, based on depression and exhaustion. In the activist view exhaustion is seen as the inability of the social body to escape the vicious destiny that capitalism has prepared: deactivation of the social energies that once upon a time animated democracy and political struggle. But exhaustion could also become the beginning of a slow movement towards a “wu wei” civilization, based on the withdrawal, and frugal expectations of life and consumption. Radicalism could abandon the mode of activism, and adopt the mode of passivity. A radical passivity would definitely threaten the ethos of relentless productivity that neoliberal politics has imposed. The mother of all the bubbles, the work bubble, would finally deflate. We have been working too much during the last three or four centuries, and outrageously too much during the last thirty years. The current depression could be the beginning of a massive abandonment of competition, consumerist drive, and of dependence on work. Actually, if we think of the geopolitical struggle of the first decade – the struggle between Western domination and jihadist Islam – we recognize that the most powerful weapon has been suicide. 9/11 is the most impressive act of this suicidal war, but thousands of people have killed themselves in order to destroy American military hegemony. And they won, forcing the western world into the bunker of paranoid security, and defeating the hyper-technological armies of the West both in Iraq, and in Afghanistan. The suicidal implosion has not been confined to the Islamists. Suicide has became a form of political action everywhere. Against neoliberal politics, Indian farmers have killed themselves. Against exploitation hundreds of workers and employees have killed themselves in the French factories of Peugeot, and in the offices of France Telecom. In Italy, when the 2009 recession destroyed one million jobs, many workers, haunted by the fear of unemployment, climbed on the roofs of the factories, threatening to kill themselves. Is it possible to divert this implosive trend from the direction of death, murder, and suicide, towards a new kind of autonomy, social creativity and of life? I think that it is possible only if we start from exhaustion, if we emphasize the creative side of withdrawal. The exchange between life and money could be deserted, and exhaustion could give way to a huge wave of withdrawal from the sphere of economic exchange. A new refrain could emerge in that moment, and wipe out the law of economic growth. The self-organization of the general intellect could abandon the law of accumulation and growth, and start a new concatenation, where collective intelligence is only subjected to the common good.