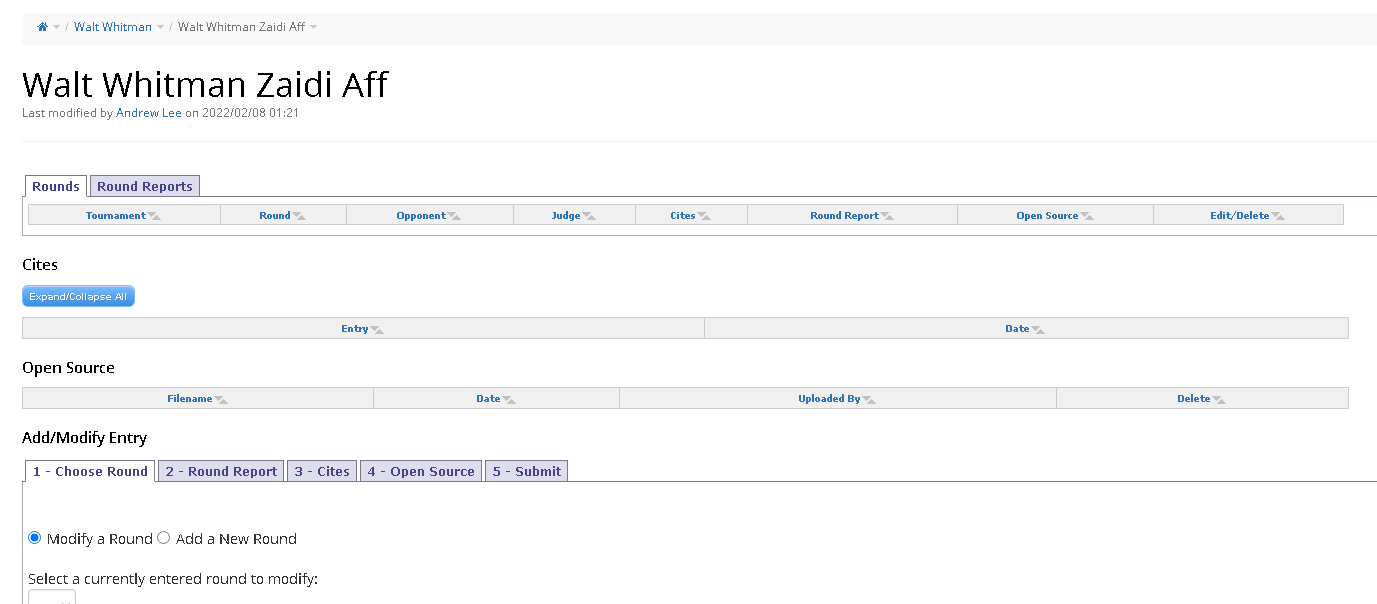
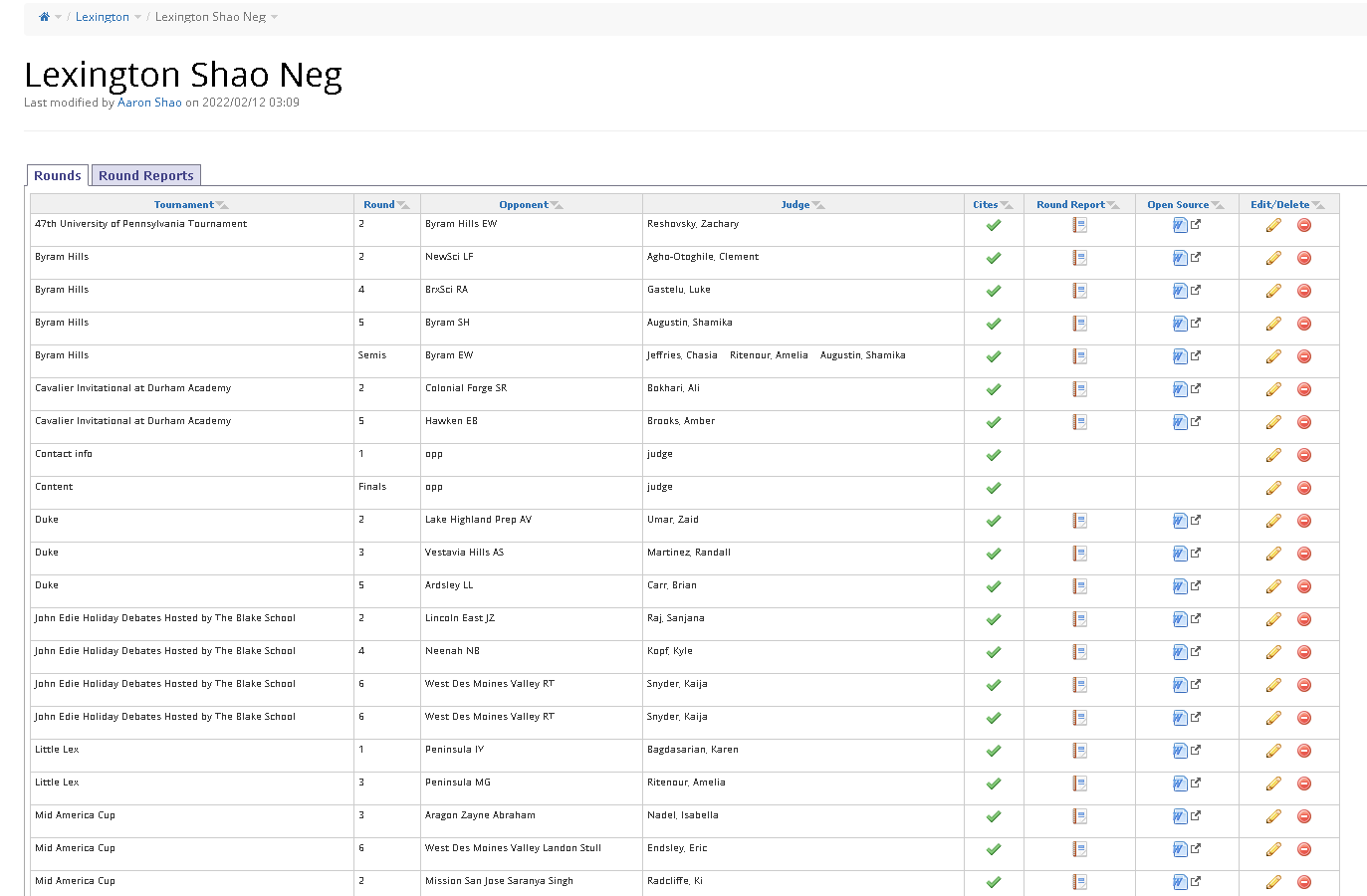
## disclosure

#### Interp: Debaters must disclose round reports on the 2021-2022 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech. We can’t check because they don’t even have contact info!

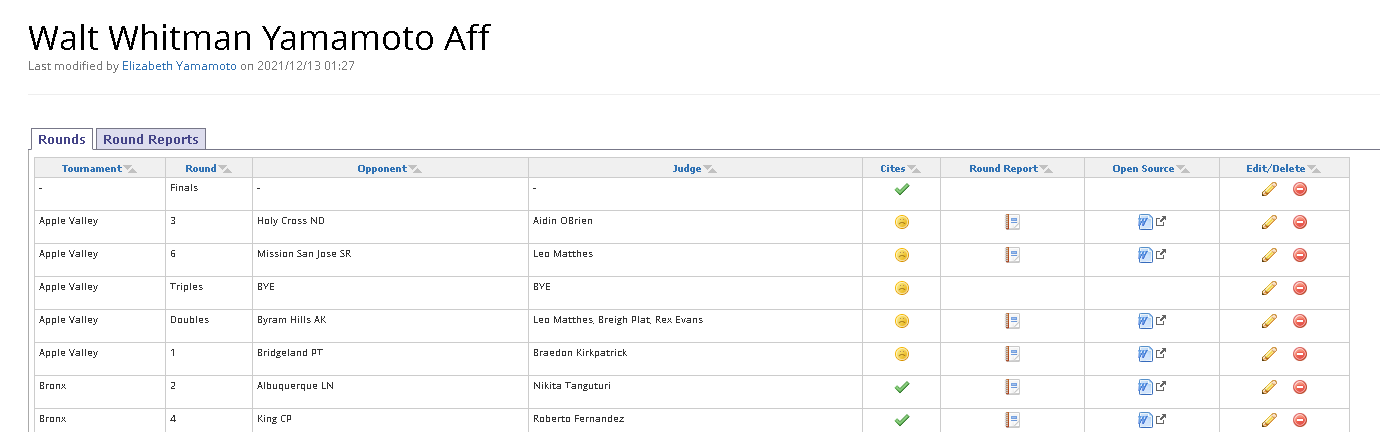
#### Violation: screenshot in the doc – THEY HAVE NONE



I do:



If they don’t know how to, they can ask for help from their teammate who discloses:



#### Standards:

#### 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key for them to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it's an impact multiplier.

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can't afford coaches to prep out affs.

#### 3] Pre-round prep –NCs and 2NRs gives especially give an idea of what type of debater someone is – they could go for 2NR theory every round and shotgun DAs– otherwise I enter every round unknowing whereas you have an idea of what you want to go for from the start.

#### 4] Safety – this is a voter. Schools send students to tournaments believing their students are safe from harm. Not disclosing means no knowledge of past arguments, meaning no way to check abuse in past rounds. No contact info means theres no way we can check

#### Fairness- consittutive of comp activites, args presume

#### Edu- funded by schools

#### DTD- dta illogical, time skew

#### No RVI’s- illogical, baiting

#### CI- intervention, race to bottom, collapses, yours vs best

## FW

### Serial Policy Failure (0.40)

#### The K is a prior question – Orientalism has shaped the way we perceive Asia and form stereotypes. Only challenging the root of the problem ensures effective representations and policy action

Bakli 14 (Sara, Free-lance writer and blogger, Published by Jenn Incorporation, Published April 17 2014, “What is Orientalism, and how is it also racism?”, <http://reappropriate.co/2014/04/what-is-orientalism-and-how-is-it-also-racism/>) RR Jr

A quick consideration of the many anti-Asian stereotypes of today reveal their roots in the over-arching Orientalism that still persists in the West’s conception of the East. We are the Perpetual Foreigner — never quite normal, never quite “one of us”: this is a contemporary recapitulation of the Asian as the “Orientalized Other”. Sexually, many of the gender stereotypes that were first invented during Marco Polo’s time — the hypersexualized lotus blossoms and dragon ladies; the barbaric and cowardly effeminate men — still thrive today. Even the Model Minority myth has its roots in Orientalism: simultaneous awe of exotic Asian cultural traditions that emphasize academia with fear of the intellectual Chinese Yellow Peril threat. Orientalism is frequently mistaken as being synonymous with cultural appropriation and misappropriation because the fantasy of Orientalism has been constructed and reinforced through the misappropriation of exaggerated Eastern cultural traits and practices to build and maintain the East as an exotic place of beauty and terror. When Katy Perry goes all-out geisha, she is invoking and perpetuating the theatre of Orientalism. When challenged, defenders of Orientalism will claim that this theatre is a “love declaration” (as Vincent Vidal writes above), forgetting that these “love declarations” bear little resemblance to the culture from which they are appropriated, and further removes the agency of the East to “represent itself, [thereby preventing] true understanding”, as Said writes. Furthermore, Orientalism refers not just to the cultural appropriation, but to the impact this appropriation has on our percepetion of Asia and Asian-ness. Orientalism is more fundamentally the positioning of Asian people as the proverbial “Other”, always serving as a counter-point to the normative West, forever an orbiting satellite, never able to define itself for itself within the Western cannon. Orientalism eternally casts the Asian person as stereotype, and never allows the Asian body to be “normal”.

### Try or Die (0.55)

#### The ROB is to engage and critique orientalism. We control uniqueness – Orientalism as a social construct is still perpetuated through academic discourse, flips try or die because the debate space is one of our last fighting grounds

Said 85 (Edward, literary theoretician, professor of English, history and comparative literature at Columbia University, Published in 1985, Page 90-91, “Orientalism Reconsidered”, <http://courses.arch.vt.edu/courses/wdunaway/gia5524/said85.pdf>) RR Jr

Now let me quickly sketch the two sets of problems I'd like to deal with here. As a department of thought and expertise, Orientalism of course refers to several overlapping domains: firstly, the changing historical and cultural relationship between Europe and Asia, a relationship with a 4000 year old history; secondly, the scientific discipline in the West according to which beginning in the early 19th century one specialized in the study of various Oriental cultures and traditions; and, thirdly, the ideological suppositions, images, and fantasies about a currently important and politically urgent region of the world called the Orient. The relatively common denominator between these three aspects of Orientalism is the line separating Occident from Orient, and this, I have argued, is less a fact of nature than it is a fact of human production, which I have called imaginative geography. This is, however, neither to say that the division between Orient and Occident is unchanging nor is it to say that it is simply fictional. It is to say emphatically - that as with all aspects of what Vico calls the world of nations, the Orient and the Occident are facts produced by human beings, and as such must be studied as integral components of the social, and not the divine or natural, world. And because the social world includes the person or subject doing the studying as well as the object or realm being studied, it is imperative to include them both in any consideration of Orientalism, for, obviously enough, there could be no Orientalism without, on the one hand, the Orientalists, and on the other, the Orientals. Far from being a crudely political apprehension of what has been called the problem of Orientalism, this is in reality a fact basic to any theory of interpretation, or hermeneutics. Yet, and this is the first set of problems I want to consider, there is still a remarkable unwillingness to discuss the problems of Orientalism in the political or ethical or even epistemological contexts proper to it. This is as true of professional literary critics who have written about my book, as it is of course of the Orientalists themselves. Since it seems to me patently impossible to dismiss the truth of Orientalism's political origin and its continuing political actuality, we are obliged on intellectual as well as political grounds to investigate the resistance to the politics of Orientalism, a resistance that is richly symptomatic of precisely what is denied

## Links

### Discourse (0:54)

#### Technological discourse isn’t neutral, it’s rooted in a techno-orientalist drive which epitomizes East Asian territories as the locus of modern innovation. Their deployment of targeted discourse in the debate space is emblematic of broader civil discourse against East Asian bodies

Lozano-Mendez 10 (Artur, Undergraduate Student Majoring in East Asian Studies, Published in 2010, “TECHNO-ORIENTALISM IN EAST-ASIAN CONTEXTS: REITERATION, DIVERSIFICATION, ADAPTATION”, pg. 184) RR Jr

Techno-orientalism is an orientalist discourse that the West established hegemonically at a global scale as a power-knowledge structure. It is a discourse in the Foucauldian sense that derives from the orientalist knowledge referring to Japan, and also from the orientalist knowledge built around the “imaginative geography” that is usually labeled “East Asia.” Techno-orientalism recycles and adapts objects, archival lore, and even many of the strategies from both discursive formations on Japan and East Asia. At the same time, its rules of formation allow for novelty and the incorporation of new words to the lexicon inherited from those two preexisting discourses. The discursive relations enacting techno-orientalist discourse allow us to reveal what kind of statements about the discursive objects have become central to that discourse. The knowledge generated through techno-orientalist “discursive practice”8 attempted to explain both the role of Japan, first, and then the role of East Asia in the configuration of global economy after World War II, in a context of technological leap and acceleration of globalization.9 Nevertheless, it is not just a matter of objects and the content of statements about them. Discourse is a practice, and so it implies the entanglement of attitude, medium, support, opportunity, expectations (even cultural horizon), and a range of other factors whose relevance is sorted out by the rules of formation. Techno-orientalist discourse both produces and consists of complex and cohesive “technologies of recognition,”10 which frame the perception of everything “Japanese”—they tell us what is to be reckoned “Japanese” to begin with. Such power-knowledge structure relies on “schema of co-figuration” through “regimes of translation.”11 Techno-orientalism is not a substitute of “traditional” orientalism—rather, it co-exists with it coherently.12 Thus, techno-orientalism incorporates and gives a new spin to prejudices and misjudgments that can be traced as far back as the writings by the first Jesuit missionaries that traveled to the archipelago after St. Francis Xavier arrived to Kagoshima in 1549.

### International Law

#### Modern international law is founded on the West’s civilizing mission and sovereignty doctrine as an approach towards states perceived to be culturally different, which legitimizes colonialism, violence, and suppression, dichotomizing the world into the civilized, or the West, and the uncivilized.

Anghie 7 (Antony, PhD, prof at College Of Law, University of Utah, “Imperialism, Sovereignty and the Making of International Law,” Cambridge University Press, Cambridge Studies in International and Comparative Law, May 2007) KC

The empires of our time were short lived. but they have altered the world forever; their passing away is their least significant feature.' The colonizer constructs himself as he constructs the colony. The relationship is intimate, an open secret that cannot be part of official knowledge.2 The themes and concerns that animate this book emerged from my expe-riences as a research assistant working for C. G. Weeramantry who was then Chief Commissioner of an Inquiry established by the Government of Nauru to examine the history of the phosphate mining that took place on the island. The League of Nations placed Nauru under a man-date and appointed three partner governments, Australia, New Zealand and the United Kingdom to be the mandatory powers. In effect, however, Nauru was administered by Australia, acting on behalf of the partner governments, first as a mandate territory under the League and then, as a trusteeship territory under the United Nations. Nauru was rich in phosphates and the Australian administration commenced mining the phosphates very shortly after assuming control over Nauru. The mining operations, which was very destructive to the territory, had been opposed by the people of Nauru, who asserted that they held the three part-ner governments responsible for the damage caused. Upon becoming an independent state, Nauru continued to maintain this claim, which was consistently denied by the partner governments. Finally in 1986, Nauru established a Commission of Inquiry and gave it the task of examining the legal, historical and scientific aspects of the phosphate industry, and the feasibility of rehabilitating the worked-out phosphate lands. Acting upon the conclusions of that Inquiry, the government of Nauru sought compensation from the partner governments for the exploitation of the phosphates and for the massive environmental damage that had been caused to the territory of Nauru as a result of the mining. It is surely the fantasy of every student who has ever participated in the Jessup international law mooting competition to research a dis-pute that could eventually be presented to the International Court of Justice; and the central issue involved in this case could hardly have been more compelling to me: was it possible for a formerly depen-dent territory to bring a claim in international law for what in essence was colonial exploitation? Professors Ian Brownlie, Barry Connell, James Crawford, V. S. Mani and C. G. Weeramantry were all involved in analysing and advising on this matter, and my fellow research assistant, Deborah Cass and I were in the extraordinarily fortunate position of wit-nessing how these expert international lawyers approached the issues and constructed the case that was later argued before the International Court of Justice. While the needs and demands of the Inquiry consumed my immedi-ate attention, what I found both curious and disturbing, as I researched the questions arising from the dispute - and this involved examining many aspects of the relationship between colonialism and international law - was the fact that international law had not only legitimized colo-nial exploitation, a fact well established by many Third World schol-ars but, in addition, it appeared to me, had developed many mecha-nisms to prevent any claims for colonial reparations. The acquisition of sovereignty by the Third World was an extraordinarily significant event; and yet, various limitations and disadvantages appeared to be some-how peculiarly connected with that sovereignty. In any event, 'Third World' sovereignty appeared quite distinctive as compared with the defining Western sovereignty. What, then, were the links, the nature of the relationships connecting sovereignty, colonialism and interna-tional law? This was the question I took with me to my graduate studies, and it gave specific form to a more general question that dis-tinguished Third World scholars had asked for many years and that had begun to preoccupy my own work: how is it possible to con-struct an international law that is responsive to the needs and aspi-rations of the peoples of the Third World? When I wrote about the case when it was finally argued before the International Court of Jus-tice, I tentatively formulated the arguments that colonialism was cen-tral to the development of international law, and that sovereignty doctrine emerged out of the colonial encounter. This book further explores and elaborates on the basic themes presented in that initial article.3 These are the beginnings of this book, which examines the historical relationship between international law and the 'Third World" - the con-temporary term for those non-European societies and territories which were colonized from the sixteenth century onwards by the European Empires, and which acquired political independence since the 1940s. My broad argument is that colonialism was central to the constitution of international law in that many of the basic doctrines of international law - including, most importantly, sovereignty doctrine - were forged out of the attempt to create a legal system that could account for rela-tions between the European and non-European worlds in the colonial confrontation. In making this argument, I focus on the colonial origins of international law; I attempt, furthermore, to show how these origins create a set of structures that continually repeat themselves at various stages in the history of international law. In so doing I seek to challenge conventional histories of the discipline which present colonialism as peripheral, an unfortunate episode that has long since been overcome by the heroic initiatives of decolonization that resulted in the emergence of colonial societies as independent, sovereign states. I examine the relationship between international law and colonialism by focusing on the civilizing mission, the grand project that has justified colonialism as a means of redeeming the backward, aberrant, violent, oppressed, undeveloped people of the non-European world by incorpo-rating them into the universal civilization of Europe. I argue that in the field of international law, the civilizing mission was animated by what I crudely term the question of 'cultural difference'. The imperial idea that fundamental cultural differences divided the European and non-European worlds was profoundly important to the civilizing mission in a number of ways: for example, the characterization of non-European societies as backward and primitive legitimized European conquest of these societies and justified the measures colonial powers used to control and transform them. Equally, however, the assertion of this dichotomy between the two worlds, the civilized and the uncivilized, posed several novel problems for the European jurists who sought to account for the colonial project in legal terms. How could it be claimed the European civilization, in all its avowed specificity, was somehow universal and binding on non-European states? International lawyers over the centuries maintained this basic dichotomy between the civilized and the uncivilized, even while refin-ing and elaborating their understanding of each of these terms. Having established this dichotomy, furthermore, jurists continually developed techniques for overcoming it by formulating legal doctrines directed towards civilizing the uncivilized world. I use the term 'dynamic of dif-ference' to denote, broadly, the endless process of creating a gap between two cultures, demarcating one as 'universal' and civilized and the other as 'particular' and uncivilized, and seeking to bridge the gap by develop-ing techniques to normalize the aberrant society. My argument is that this dynamic animated the development of many of the central doc-trines of international law - most particularly, sovereignty doctrine. The dynamic is self-sustaining and indeed, as I shall argue, endless: each act of arrival reveals further horizons, each act of bridging further differ-ences that international law must seek to overcome. It is in this way that international law extends itself horizontally, to encompass the entire globe and, once this is achieved, vertically, within each society, to ensure the emergence of civilized states. Despite what I claim to be the centrality of colonialism for the gen-eration of international law, the relationship between international law and the colonial encounter has not been seen in this way. Rather, many international lawyers, from both the First and the Third world' write as if international law came to the colonies fully formed and ready for application, as if the colonial project simply entailed assimilating these aberrant societies into an existing, stable, 'Eurocentric' system - as if, in short, the doctrines of international law solved the problem of difference by preceding it. This understanding of the colonial encounter is characteristic of the traditional approach to international law, which understands the dis-cipline in terms of the fundamental question of how order is created among sovereign states. For the traditionalists, international law may be broadly explained as an attempt to resolve this primordial problem, which acquired an especially threatening character when seized upon by the nineteenth-century positivist John Austin to make his famous argument that international law was not law properly so called because it did not emanate from a single, global sovereign. The attempts to resolve this problem, and the critiques of these attempts have, on the whole, constituted the central theoretical debate of the discipline.' The defining character of this problem to the whole discipline of interna-tional law is further reflected by the structure of many of the major textbooks of international law, which introduce the subject by outlin-ing the problem and offering some sort of solution to it by suggest-ing the different ways in which international law could be regarded as law' European states were sovereign and equal. The colonial confronta-tion, however, particularly since the nineteenth century when colo-nialism reached its apogee, was not a confrontation between two sovereign states, but rather between a sovereign European state and a non-European society that was deemed by jurists to be lacking in sovereignty - or else, at best only partially sovereign. My argument, then, is that what passes now as the defining dilemma of the discipline, the problem of order among states, is a problem which, from the time of its origins, has been peculiar to the specificities of European history. And, further, that the extension and universalization of this European expe-rience, which is achieved by transmuting it into the major theoretical problem of the discipline, has the effect of suppressing and subordinat-ing other histories of international law and the peoples to whom it has applied. Within the axiomatic framework which decrees that European states are sovereign while non-European states are not, there is only one means of relating the history of the non-European world: it is a history of the incorporation of the peoples of Africa, Asia, the Americas and the Pacific into an international law which is explicitly European, and yet, universal. This task having been accomplished, the Third World having been granted all the powers of sovereignty, imperialism becomes only a matter of historical interest. This is the history I examine, not with a view to furthering it, but in an attempt to illuminate the tragedies and violence inherent in the project of the civilizing mission, and its continuing operation in international law. My broad argument is that the very mechanisms by which the civilizing mission is furthered pre-vent its fulfilment, and that, further, the process of incorporation that is conventionally understood to be empowering and liberating for the Third World is, in significant ways, debilitating and excluding. My approach to the colonial encounter differs from the traditional approach on a number of counts. First, I focus on the civilizing mission and the problem of cultural difference, and not on the issue of order among sovereign states. A focus on the problem of order among sovere-ign states cannot illuminate the prior question of how certain states were excluded from the realm of sovereignty in the first place. Secondly, I argue that the application of sovereignty doctrine to the colonies cannot be properly understood as the simple extension of sovereignty, as it devel-oped in Europe, into the peripheral colonies. According to this version of the conventional history, the European model of sovereignty, established by the defining event of the Peace of Westphalia, was gradually extended to the non-European peripheries.'

### Legalism

#### **Multilateral institutions serve as instruments of US neocolonial power to impose Western rule-of-law on the “lawless Orient”**

Ruskola 13 (Teemu, Professor of Law: Affiliated Faculty Member in Comparative Literature; East Asian Studies; History; and Women's, Gender and Sexuality Studies, *Legal Orientalism : China, the United States, and Modern Law*, Harvard University Press, p. 203 – 207) | js

Having sketched the broad outlines of Chinese law’s twentieth-century trajectory, let us turn to that of U.S. law, especially in terms of Sino-U.S. relations. Given the unfortunate history of U.S. extraterritorial jurisdiction in China, how did American legal thought become an object of such admiration and emulation? World War II was followed not only by the decolonization of formal empires but also by the final disappearance of consular jurisdiction of the Oriental kind. The United States surrendered its extraterritorial jurisdiction in China in 1943. (It held onto the last vestiges of its Barbary Treaties until 1956, when it finally gave up extraterritorial privileges in Tangier, Morocco.)  However, emerging from World War II as a global superpower, the United States could easily afford to see old forms of imperial power vanish. In their place it built a new kind of international order that recognized American hegemony without the considerable administrative and ideological costs associated with formal territorial imperialism. As Kal Raustiala sums up the nature of America’s leadership in the postWar world, “It was predicated not on territorial control but on extraterritorial power and presence.”  From this perspective, the century of U.S. extraterritorial jurisdiction in China, together with the Open Door policy of which it was an integral part, is better understood not simply as an institutional relic of early modern European– Ottoman relations that somehow found its way into the Far East and survived there into the twentieth century. Rather, it becomes visible as a precursor of modern— even postmodern—forms of neocolonial power, predicated on legally protected freedom of trade without formal territorial control. precisely the desire to extract economic profit from other lands assuming administrative responsibility for them that underlay the notion of “free trade imperialism” in the mid-Victorian era, which sought to realize the vision announced by Thomas Babington Macauley in British India: “To trade with civilised men is infinitely more profitable than to govern savages.”  For in no way does trade’s freedom imply substantive equality among those trading. As Bertrand Russell observed in 1922, at the conclusion of his Chinese lecture tour, “It is quite possible to dominate China without infringing the principle of the Open Door. This principle merely ensures that the domination everywhere shall be American, because America is the strongest Power financially and commercially.”  In his analysis of America’s post-War role, Raustiala identifies three contemporary forms of extraterritorial power: the establishment of a global network of military bases in other countries, the selective application of U.S. laws extraterritorially, and the creation of a system of multilateral institutions that extend American influence globally. It is illuminating to consider each in turn. In order to protect members of the military stationed at U.S. bases overseas as well as military contractors and accompanying civilians, so-called Status of Force Agreements (SOFAs) provide them with extraterritorial immunity.  Collectively these agreements represent a major extension of American law abroad, covering U.S. bases all around the globe; in 2007, the U.S. military operated 823 facilities in thirty-nine countries.  The SOFAs constitute the closest modern analogue to the Unequal Treaties of old, as they provide a blanket exemption from local law— civil and criminal—to those under their protection. At the same time the United States has extended the extraterritorial reach of its domestic legislation unilaterally, without even formal consent provided by treaties. Claiming jurisdiction based on the extraterritorial effects of a person’s actions (rather than merely the territorial location of the It was without British in turn person acting), the United States has begun to regulate increasingly aggressively activities that take place outside the nation’s borders. The extraterritorial enforcement of American law has been especially notable in securities regulation, antitrust law, environmental law, anti-corruption legislation, and criminal law—foreign protests notwithstanding. Yet by far the most important means of extending the reach of American power has been the establishment of a set of multinational institutions whose charters collectively make up the constitution of the world as we know it today: the World Bank, the International Monetary Fund, the General Agreement on Tariffs and Trade, the North Atlantic Treaty Organization, and the United Nations. Under American leadership, these institutions, together with the World Trade Organization (WTO)—the successor to the General Agreement on Tariffs and Trade—have sought to reconstruct the world essentially in the image of the United States: a global community of liberal-democratic states committed to free trade. (Importantly, the promotion of democracy globally does not mean the promotion of global democracy : the United States continues to insist on its exceptional status as an international leader.) These post-War institutions have been so effective in harmonizing legal regimes across the world that in many areas, especially ones pertaining to the economy, it would be largely redundant for the United States to assert its laws extraterritorially. Indeed, the earlier regime of U.S. extraterritoriality in China, together with the U.S.-brokered Open Door policy, was in important ways functionally similar to the WTO— with the critical difference that China’s participation in the WTO is consensual.  (China was neither consulted about nor did it consent to the Open Door, which was an understanding by others regarding China, not a policy by China.) Both regimes are premised on respect for China’s territorial integrity, with open and equal access to Chinese markets. As we have seen, as part of the Open Door the United States and other Treaty Powers insisted on extraterritorial jurisdiction until China modernized its legal system. “Modernization,” in turn, was shorthand for adopting a legal system based on the Euro-American model that would in turn make Western rights of extraterritoriality superfluous. In this regard, the WTO regime is even bolder, insisting on obtaining directly what the Open Door sought only indirectly. As part of the price of admission into the WTO in the first place, China had to agree to alter its legal institutions to conform to North Atlantic standards. As the ideology of rule-of-law has become a key component in the globalization of norms of free trade and liberal democracy, the World Bank and the WTO count among its most dedicated adherents today. Yet the rule-of-law discourse today remains one of contradictions, as before. When China entered the WTO in 2001, its accession protocol was of record length and filled with unprecedented ad hoc directives for the reorganization of China’s economic and legal systems. Collectively, these directives exceeded both quantitatively and qualitatively what had been demanded of any other member of the WTO, including other so-called transition economies. Ironically, in order to ensure that China comply with the requirements of rule-of-law, the WTO ignored its own constitutional rules—much as the United States suspended the operation of the U.S. Constitution in excluding Chinese immigration in the nineteenth century. While WTO rules are based on market economy assumptions, they do not legally require that member states structure their political economies in a particular way. China’s accession protocol, however, makes it an international legal obligation for the PRC to convert to a market economy— an extraordinary surrender of China’s freedom to structure its political economy. As Julia Ya Qin points out, the singling out of China creates different classes among the member-states of the organization and thus violates the WTO’s fundamental principle of nondiscrimination, while also contravening the organization’s overall commitment to a rule-based trading system.  No doubt the sheer size of China’s economy was one major cause of Western anxiety about its WTO membership, but equally importantly, now as before, China continues to be defined by not-having-law, and as before, this means that China must be made lawful. As a goal, lawfulness is surely defensible, but its defense still needs to be articulated. It is not simply selfevident, and it must take into account the historical and logical contradictions that it necessarily entails. What does it mean for the WTO and others to demand , possibly even impose, a regime of rule-of-law, even as they suspend their own rules in dealing with China? As an ideal, rule-of-law is far more attractive than forcing China to open its markets for opium, yet that fact alone does not relieve its advocates from the burden of a history where demands for law were often window dressings for other agendas.  Indeed, China continues to occupy an unstable position in teleological schemas of U.S.-led legal development. The Chinese economic and legal systems are today said to be in transition, much in the same way as the post- Socialist states of Eastern Europe have been described by the ever-growing academic subfield of “transitologists.”  As Chapter 1 suggested, the unstated implication of the seemingly innocuous notion of transition is that whatever distinctive forms China may have adopted for now, those forms are ultimately not authentic. Until it has fully “modernized,” China will remain in transit. Moreover, to the extent that “we” are not in transition, by implication “we have arrived” at the ultimate destination: a (highly idealized) U.S.-style market economy.  Even if the naïve evangelism of the Law and Development movement of the 1970s has receded, at least in its overt form, it has been replaced with the ostensibly more generous assumption that China and the rest of the world will, one day, simply “catch up” with the West ( 䍩 Ϟ ).  Benign as this sounds, this developmental model is only one recent example of neoHegelian evolutionary schemes in which “China always furnishes a beginning to be improved on,” in Haun Saussy’s phrase.  It should be evident that the relationship between the Chinese legal tradition and modernity cannot be simply a one-sided affair, with the West providing the blueprint for a modern legal order and China merely executing it.

#### Western conceptions of law have globalized, transforming Chinese citizens into legal subjects

Ruskola 13 (Teemu, Professor of Law: Affiliated Faculty Member in Comparative Literature; East Asian Studies; History; and Women's, Gender and Sexuality Studies, *Legal Orientalism : China, the United States, and Modern Law*, Harvard University Press, p. 207 – 208) | js

From this perspective, how should we understand the stunning legal changes, and changes in attitudes to law, that have taken place in China since 1978? In many ways, they would seem to represent the triumph of the logic of legal Orientalism, with China slowly clearing away the obstacles posed by its (particular) political traditions to make way for law’s (universal) development— exemplified in turn by a U.S.-championed rule-of-law model as the new “standard of civilization,” the ultimate measure of constitutional fitness for inclusion in international society. Insofar as we have analyzed the history of America’s extraterritorial empire in China as a colonialism without colonies, much of China’s modern law reform can be interpreted as a colonialism without even colonizers. No matter how the Chinese government chooses to characterize its political and legal values—“socialist,” “Asian,” or informed by “Chinese characteristics”—it remains a fact of fundamental importance that the PRC today has in fact “juridified” itself in terms of how it exercises its sovereignty both externally vis-à-vis other states and internally over its citizens. As far as the source of its external sovereignty is concerned, it has been inducted into the system of nation-states organized under the aegis of (Euro-American) international law, and today it is a member not only of the United Nations but also the WTO. These developments stand in stark contrast to China’s erstwhile disinterest in accommodating itself to North Atlantic modernity. If indeed the tragic irony of the Opium War was its use of force in the name of free trade, it is an equally great irony that some one hundred and fifty years later China waged a major political battle to gain admission into the trade regime of the WTO. While it is possible to analyze China’s membership in the WTO as “extraterritoriality by other means”—territorializing Euro-American law in China as Chinese law—there is an even more profound sense in which the colonial project of modern law has been successful. That is its ability to colonize the legal subject, and even the notion of the political itself. Today law is universal, not only in a geographic sense— having literally colonized the planet—but also in the phenomenological sense of having colonized the lifeworld. Evidently the modern legal project has succeeded in creating Chinese subjects who desire law and conceive of politics in juridified terms. From this perspective, the juridification of Chinese sovereignty is indeed one of the crowning achievements of international law in the twentieth century. At the same time, China’s national subjects too have been clothed in the legal garb of modern citizenship. It goes without saying that Chinese citizenship remains a distinctive one. As Elizabeth Perry notes, the Chinese term for citizen ( ݀⇥ ) means, in its literal translation, a “public person”— connoting “collective membership in the polity, rather than a claim to individual or inalienable rights vis-à-vis the state.”  Nevertheless, even in the PRC citizenship is a legal status, conferred on a modern political subject. And whatever the official Chinese conception of politics may be today, there is no question that Chinese citizens are conscious of their rights as citizens: they are increasingly suing their employers, landlords, each other, and even the state. The putatively nonlegal nonsubject of the Orientalist imagination seems to be well on its way to becoming a legal subject.  Consider, also, the simple but remarkable fact that the PRC has yielded even on the ideologically fraught question of (bourgeois) human rights, a foundational element of the United States’ post– Cold War ideological mis- sion. Conceding that being opposed to the idea of human rights is no longer a tenable position in global politics, the PRC enshrined human rights in its Constitution in 2004 and now publishes even its own white papers on human rights.

#### International law frames China as the Other

**Muller 14** (Wim Muller works in the Department of International and European Law at Maastricht University, Dec 1, 2014, Maastricht University, “China: An Illiberal, Non-Western State in a Western-Centric, Liberal Order”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2575643)

Perceptions in the West of the rise of China as a threat to progressive and liberal values carry cultural connotations, which are all the more relevant because of the darker side of the legacy of the international legal order. Not only is the international legal order historically European in origin, with the framework of the Westphalian state system supplemented by a liberal value system which can be traced back to the European Enlightenment, in the last two centuries international law has also been used as a tool of western imperialism, providing ideological support for colonialism and the infringement of the sovereignty and self-determination of non-western peoples even before they were aware of possessing them, or at least defined them in these terms. This illustrates the second point, which is that despite this legacy, international law has provided for tools and a vocabulary which these peoples, or more accurately actors within these societies, subsequently used to ‘liberate’ themselves, even whilst being assimilated into this international legal order, which itself changed as a result. The development of international law after the Second World War is thus illustrative of this complex process of global interaction, including the discourse of international human rights. 7 The encounters between very different cultures and societies which this entailed also shaped and reshaped the perceptions they had of each other, and the way they constructed and reconstructed their identities as a result. It also happened in the encounter between the West and China, even more so as it entailed a clash between two world orders. The Chinese order was so different from the European order that China has served as a perfect ‘Other’ to Western observers, a tendency which has been reinforced by the history of the PRC and which is present in Chinese leaders and academics themselves, despite, or partially explaining, the emphasis on ‘Chinese characteristics’ in its struggle for identity. China has served as the ‘Other’ in the imagination of its European observers for centuries**,** and an orientalist mindset has informed and continues to inform Western observers of Chinese law, not only domestic law but also its approach to public international law. 8 An historic claim that China did not have an indigenous tradition of ‘law’ has even fed back into contemporary obervations by Chinese about their own history, even if it has long been discredited by historians of Chinese law. 9 The categories which are constructed in Orientalist discourses are mutually constitutive opposites, such as occidental versus oriental or traditional versus modern. The dichotomy between liberal and illiberal can be seen through a similar lens. The notion of legal Orientalism informs the present analysis of China’s approach to international law and explains prejudices and perceptions which exist both on the side of Western observers as well as in Chinese discourses, both official and in scholarship. It seems to be the most useful notion to capture some of the cultural differences which exist and cannot be pinpointed with precision, but the existence of which is nonetheless very concrete to any observer. It helps to understand the “legal construction of particularistic national identities and their relationship to ‘universal’ international norms.”10 A claim or aspiration to universality is at the heart of liberal discourse**.** A second purpose of legal Orientalism is to warn against the essentialisation of one discourse or another, and not to speak of ‘the’ Western perspective or ‘the’ Chinese perspective. 11 The notion also helps to deal with the vagueness of the analytical category of ‘culture’, which is hard to define and susceptible to indeterminacy, but identified, together with history, as an important category by leading Chinese international lawyers themselves. Wang Tieya, one of the most if not the most prominent international lawyer of the PRC in the 20th century, noted in 1990 that “it appears that there are some elements which have constant effect on the PRC in its dealing with problems of international law. These elements have apparently historical and cultural colour and thus may be crucial in the study of the subject of international law in China.”12 Xue Hanqin, the current Chinese judge in the International Court of Justice (ICJ), also identifies history and culture as pertinent factors in her analysis of the socio-historical context in which specific countries relate to international law. 13

## Impact

### Epistemology

#### Trying to ‘fix’ the East is grounded in paternalistic Orientalism—all their arguments stand on shaky epistemological ground that legitimizes endless violence—turns the case (2:37)

Anand 2007 (Dibyesh, Westminster University International Relations Reader, Western Colonial Representations of the Other, <http://westminsterresearch.wmin.ac.uk/4657/1/Anand_2007_final_author.pdf>, pg. 1-22, BEN)

Within the context of European imperialism, the issue of the representation of natives was often considered as belonging to the realm of scientific objective ethnography, journalistic commentaries, or fiction.2 A clear boundary was said to exist between fiction and non-fiction writing. It was presumed that, unlike fiction, non-fiction writing such as literary and popular journalism, exploration and travel writings, memoirs of colonial officials, and so on are unmediated by the consciously aesthetic requirements of imaginative literature. Emphasis was on the recording of observed facts. However, as argued by scholars from fields as diverse as postcolonial studies,3 anthropology,4 and international relations,5 such views are no longer tenable. Starting with Said,6 the enterprise of postcolonial theory has unpacked the notion of neutral academic expertise and highlighted how **Western knowledge and representations of the non-Western world are neither innocent nor based on some pre-existing ‘reality’, but implicated in the West’s will to power, and its imperial adventures**. The image of a scientific, apolitical, disinterested, knowledge-seeking ‘gentleman’ braving all odds to study non-Western cultures has been revealed as hollow. For instance, Colin Mackenzie, the first surveyor general of Madras in India, was clear about his necessary complicity in the brute realities of colonial power. He conflated the role of the soldier and the scientist and wrote: That science may derive assistance, and knowledge be diffused, in the leisure moments of [military] camps and voyages, is no new discovery; but … I am also desirous of proving that, in the vacant moments of an Indian sojourn and campaign in particular… such collected observations may be found useful, at least in directing the observation of those more highly gifted to matters of utility, if not to record facts of importance to philosophy and science.7 **The mask of objectivity in the colonial discourse hid relations of inequality and domination**. Fiction as well as non-fiction writings were permeated with various strategies of representation. These were not epiphenomenal but central to the ways in which the Other was sought to be known. What Rana Kabbani points out about travel writing holds true for non-fictional writings in general: during imperialism, it ultimately produced ‘a communal image of the East’, which ‘sustained a political structure and was sustained by it.’8 Various forms of representing the non-West – visual (films, television, photographs, paintings, advertisements, and so on) as well as textual (such as fiction, travelogue, journalism, ethnography, and anthropology) – were closely linked to the production of imperial encounters. Asymmetry of productive power is a common trait shared by these encounters. The contemporary neocolonial world too ‘bears witness to the unequal and uneven forces of cultural representation involved in the contest for political and social within the modern world order.’9 It is not only the represented (here the colonised, the third world, the South) who are subjects of and subjected to the process; even the representer (the coloniser, the first world, the West) is constructed by representational practices. This in no way implies similar experiences for the coloniser and the colonised (the representer and the represented). It only indicates that **though everyone is subjected to representational practices, the impact differs according to the existing power relations**. To illustrate this point, while both the West and Tibetans are subjects of Exotica Tibet, and the latter are not mere victims but exercise their agency through creative negotiations, the West does not have to construct its identity according to the perception of Tibetans. Westerners exoticise Tibet, and in turn, Tibetans exoticise the West. But while Western exoticisation has a defining productive impact on Tibetan identity discourse,10 the same cannot be said of Tibetan exoticisation of the West. This reflects the asymmetry in their power relations. A concentration on Western representations does not deny the fact that representational practices were prevalent in non-Western societies too. In fact, historically, all cultures and civilisations have had their own particular representational practices for perceiving those they considered as Other. But – and this is a crucial qualification – **it was only with modern European imperialism that the capacity to convert these representations into truth on a systematic and mass scale emerged**. What makes such representational practices distinctly modern is their productive capacity. Production of knowledge about the Other through representations goes hand in hand with the construction, articulation, and affirmation of differences between the Self and Other, which in turn feeds into the identity politics amongst the representer as well as the represented. The practices of essentialising and stereotyping the Other underlie different strategies of Western representations. Essentialism is the notion that some core meaning or identity is determinate and not subject to interpretation. Ronald Inden writes that essentialist ways of seeing tend to ignore the ‘intricacies of agency’ pertinent to the flux and development of any social system.11 In colonial context, we find essentialism in the reduction of the indigenous people to an ‘essential’ idea of what it means to be ‘native’ – say Africans as singingdancing- fighting, Chinese as duplicitous, Arabs as cruel and oppressors of women, Tibetans as religious, and so on. Imperialism drew its strength from representations of natives as quintessentially lazy, ignorant, deceitful, passive, incapable of self-governing, and the native rulers as corrupt and despotic. Therefore, it should come as no surprise that the British officials involved during the 1903-04 invasion of Tibet saw it as something welcomed by ‘ordinary’ Tibetans seeking deliverance from their Chinese and monastic overlords. Captain Cecil Rawling in a military report in 1905 wrote: ‘It seems to be the general wish of the inhabitants of that country (Tibet) that they should come under British administration.’12 Curiously, Alistair Lamb’s own assessment that ‘when dealing with the primitive peoples of Central Asia, the problem often was not how to expand one’s power but how to prevent its indefinite expansion,’13 too puts the onus of responsibility for imperial expansion on the victims themselves. This is made possible by their essentialist representations as requiring paternal imperialism – a mix of iron fist and velvet glove. A stereotype is a one-sided description of a group/culture resulting from the collapsing of complex differences into a simple ‘cardboard cut-out’, seeing people as pre-set image and ‘more of a formula than a human being.’14 It reduces people to a few, simple characteristics, which are then represented as fixed by nature. ‘Stereotyping reduces, essentialises, naturalises and fixes “difference.”’15 Stereotypes function as a marker between norm and deviancy, between ‘us’ and ‘them’. As Said argues, stereotypical images of the Orient’s separateness – ‘its eccentricity, its backwardness, its silent indifference, its feminine penetrability, its supine malleability’ – have been part of Western discursive practices for a long time.16 Stereotyping flourished to justify imperialism as a civilising mission – the restless, honest, active, exploratory, masculine, enlightened, modern spirit of the ‘white man’ stood in contrast to the laziness, deceit, passivity, fatalism, femininity, backwardness, and traditional spiritlessness of the natives. For example, Captain John Noel’s films Climbing Mount Everest (1922) and The Epic of Everest (1924) developed the ‘contrast between the extroverted, aggressive, and manly British climbers with the introverted, passive, and squalid but mystical Tibetans.’17 Stereotyping is a simplification not because it is a false representation of a given reality but because it is an arrested, fixated form of representation that denies the play of difference. Let me illustrate this with an example from the story of the first two men to reach Mount Everest – Tenzing Norgay and Edmund Hillary. Reaching the summit, Tenzing Norgay says he felt the warm presence of the mountain, buried an offering to the gods, and said in prayer: ‘I am grateful, Chomolungma’; Hillary took photographs to survey the area, urinated on the summit, and later told one of the other climbers George Lowe: ‘Well, George, we knocked the bastard off.’18 This difference in attitude may be due to cultural factors. But to interpret humility as passivity and fix the identity of Tenzing Norgay (read as representative of sherpas and other natives) as essentially passive in contrast to adventurous, scientific Hillary (read as white man) leads to a reified and fixated form of representation (excluding those who do not ‘fit’ in the image – women for instance). Stereotyping is not about expressing cultural difference, but fixing it in a pre-given socio-cultural milieu with extreme power differentials. **Stereotyping served imperialism at both representational and psychic levels – supporting the idea of paternal domination and acting as a kind of perceptual binder protecting the colonisers from discomforting consciousness of either poverty or guilt**.19 It allowed the participants in the massacre of Tibetans at Guru (31 March 1904) that took place during the British invasion of Tibet to blame it on the ‘crass stupidity and childishness of the Tibetan general,’20 malevolent monks, superstitious Tibetan soldiers – everyone except themselves. We must liberate the ordinary natives from their brutal leaders – this sentiment can be seen in Colonel Francis Younghusband’s account of the 1903-04 ‘expedition’ to Tibet where after criticizing Tibetans for being crafty, immoral, over-religious, dirty, and lazy, he says ‘there are in them latent potentialities for good, which only await the right touch to bring them into being.’21 We may recall Napoleon’s proclamation in 1798 upon entering Egypt: ‘Peoples of Egypt, you will be told that I have come to destroy your religion; do not believe it! Reply that I have come to restore your rights, to punish the usurpers, and that I respect more than the Mamluks God, His Prophet, and the Quran.’22 Though in everyday conversation we tend to use stereotype only for negative images, stereotyping has within it dualism and ambivalence23 As Michael Hunt in his study of hierarchy of race and American foreign policy points out, the Americans created for ‘Orientals’ two distinctly different images: ‘a positive one, appropriate for happy times when paternalism and benevolence were in season, and a negative one, suited to those tense periods when abuse or aggrandizement became the order of the day.’24 While sometimes a positive stereotype may be politically and socially helpful for a group, in the long run it reifies and imprisons the represented subjects in their own arrested image. This problem can be seen most clearly in the case of Tibetans who seem to be prisoners of their stereotyped images. Alluding to the real effects of the language of stereotype about Tibet, Donald Lopez points out that it ‘not only creates knowledge about Tibet, in many ways it creates Tibet, a Tibet that Tibetans in exile have come to appropriate and deploy in an effort to gain both standing in exile and independence for their country.’25 However, these stereotypes legitimise only certain goals and actions geared toward achieving them – the prevalent stereotypes paint Tibetans mainly as passive victims requiring outside help. And this outside support comes at a price. As Jamyang Norbu says, ‘however hopeless their cause or marginal their survival, Tibetans are better off living their own reality than being typecast in ethereal roles in the fantasies of the West.’26 In spite of commonalities and consistencies, it is complexity, oppositionality, and ambivalence that lie at the heart of Western colonial representations. **Imaginative practices through which the imperial West came to represent the Other can be interrogated through the various strategies of representation involved**. Though there was always a will to reify the represented, this was undermined by the nature of representation – it was not a singular act, but one necessitating repetition. There always was a paradox in the Western representations of other cultures – an unresolvable tension between transparency and inscrutability, desire and disavowal, difference and 25 familiarity. Therefore Exotica Tibet is not a distinct phenomenon devoid of contrariety; rather, it is defined by a ‘true complexio oppositorum, a rich complexity of contradictions and oppositions.’27 So near, yet so far! As Slavoj Zizek puts it: The very inconsistency of this image of Tibet, with its direct coincidence of opposites seems to bear witness to its fantasmatic status. Tibetans are portrayed as people leading a simple life of spiritual satisfaction, fully accepting their fate, liberated from the excessive craving of the Western subject who is always searching for more, AND as a bunch of filthy, cheating, cruel, sexually promiscuous primitives… The social order is presented as a model of organic harmony, AND as the tyranny of the cruel corrupted theocracy keeping ordinary people ignorant…28 The following section of the paper identifies the most common discursive strategies marshalled in the representation of the non-Western Other in the context of Western imperialism and uses Exotica Tibet as the main empirical site of investigation. Archive is commonly understood as a place or collection containing records, documents, photographs, film, or other materials of historical interest. But archive can be taken to refer to a repository of stored memories, information, myths, rumours, and legends.29 Encounter with the Other did not take place in vacuum – it was understood within pre-given images. What was knowable then was shaped by imperial prerogatives as well as pre-existing ‘knowledge’. This included those found in classical writings, religious and biblical sources, mythology, traveller’s tales (which in any case made little distinction between description and legend), and fictional writings. These provided the cultural framework through which others were seen, described and represented. Orientalism itself performed an archival function – generalisations abounded as the attitude was ‘pick an East, any East’30 (Sardar 1999: 66) and the story will be the same. As Said puts it: ‘In a sense Orientalism was a library or archive of information commonly and, in some of its aspects, unanimously held.’31 In situations where the culture was relatively unknown – like the Tibetan – hearsay, legends, and fantasies performed an ever more important archival function.32 Representers of Tibet especially before the nineteenth century often drew upon these archives, supplementing the rare missionary and travellers’ accounts. Hugh Richardson’s argument that the early allusions of Westerners reveal little more than that the Tibetans had a reputation in neighbouring countries for ‘strange ways and rare magical powers’33 holds true even for the twentieth century. Evaluation of Tibet and its people was based on an archive that made very little distinction between myths, legends, hearsay, and facts. Western writers constructed ‘facts’ not by referring to the place of Tibet but through repetition and cross-reference. Surveillance is a technique through which, under an over-powering gaze, the non-Western subject is rendered ‘a knowable, visible object of disciplinary power.’34 The gaze is not mere innocent curiosity: ‘to gaze implies more than to look at – it signifies a psychological relationship of power, in which the gazer is superior to the object of the gaze.’35 **Through observation, examination and interpretation objects are differentiated, categorised, and identified, and made ready to be acted upon. Objectification (fixing its essence) of the gazed goes hand in hand with its subjectification – gaze and surveillance are productive of identity of the gazed**. Surveillance as a strategy for representing the Other and rendering it disciplined is characterised by the all-knowing gaze of a white ‘man’, the colonial master, the West. It enables both the visual possession of the body of the gazed and an interposition of technique which safely conceals the body of the gazer.36 Observations then are presented as dispassionate, objective facts. The gaze is disembodied – statements are made as if there is no seer behind the observations. This is not to say that non-Westerners are visually impaired, powerless to gaze back at the West. But, the authority of imperialism for a large part of the modern period ensured that mastery and control remained a possession of Western ‘man’. The ‘monarch of all I survey’ rhetorical gesture remained peculiar to the West.37 Establishment of mastery through surveillance, gaze, and observation were accompanied by consolidation of shades of political dominance over the object of the gaze. Appropriation was done in the name of scientific curiosity, ethnographic material gathering, protection of simple masses from their own despotic rulers, or the spread of progress. British colonial and military officials who went inside Tibet often wrote their accounts as scientific exploration, or as exciting adventure,38 or simply as ‘everyday’ observation.39 Behind the innocent sounding descriptions of travel like the ‘narrative of a plant hunter’s adventures and discoveries’40 lay the violence of imperialism. Though their gaze might be considered as one of adventurer or romantic in Europe, the effect on the natives was the same as some steely-eyed militarist – the establishment and institutionalisation of control through political rule and knowledge formation. **To know is a prelude to possess, especially if there is a huge asymmetry of power**. Such asymmetry led to situations where it was perfectly acceptable for a participant in the Tibet mission of 1903-04 to say: ‘In fact the visible riches and treasures of Lhasa fairly made our mouths water. The Tibetans however would not sell, and to our honour be it said; although Lhasa was a fair object to loot, and lay in our power, not a farthings worth was forcibly [author adds this word in pen in a typed text] taken from it.’41 Securing priceless artefacts through coercion and displaying them in the private and public collections in the West was an essential feature of Western imperialism. Paradoxically, the project of rendering the Other knowable and the image of it as primitive and simple went had in hand with recognition that there are elements of inscrutability and mystery that eluded complete understanding of the Other. While discussing his own failure to fathom the unease of Phuntsog, a Tibetan who is seen no longer as ‘authentic’ native as he has learnt the language of the imperialist, Edmund Candler, an early example of embedded reporter (a Daily Mail reporter accompanying the British invasion of Tibet in 1903-04), calls him a ‘strange hybrid product of restless western energies, stirring and muddying the shallows of the Eastern mind. Or are they depths? Who knows? I know nothing, only that these men are inscrutable, and one cannot see into their hearts.’42 Frustrated with the inaccessibility, invisibility and inscrutability of ‘the Orientals’, Western desire subjects them to a relentless investigation. Veil becomes a metaphor for all that invites, titillates, and yet resists Western knowing. It is ‘one of those tropes through which Western fantasies of penetration into the mysteries of the Orient and access to the interiority of the other are fantasmatically achieved.’43 Surveillance and gaze facilitate other representational strategies that fix the Orient, the Other, particularly those that seek to classify, differentiate and provide identity to the Other (and in turn to the Self). Differentiation and Classification, two crucial factors in the formation of the modern subject,44 are also evident in Western representations of the Other. The ideational differentiation between the West and the Rest underpins these representations. The need to articulate one’s personal and collective self in terms of identity comes from an internalisation of this principle of differentiation. Classification occupies a central place in any account of non- Western people. It polices discourses, assigns positions, regulates groups, and enforces boundaries.45 What Lobsang Rampa46 says about his own treatment in the West reflects the dominant Western attitude toward the exhibition of Oriental curiosities: ‘Unfortunately, western people looked upon me as a curio, as a specimen who should be put in a cage and shown off as a freak from the unknown. It made me wonder what would happen to my old friends, the Yetis, if the westerners got hold of them- as they are trying to do.’47 Given the taxonomising predilection and conceit of Western imperialism, we can hardly disagree with Rampa’s conjecture about the fate of the yetis: ‘(If) Western Man had his way, our poor old yetis would be captured, dissected, and preserved in spirit.’48 While some classifications may be essential for understanding, often **the classification of non-Western peoples went hand in hand with the hierarchisation and racialisation of cultures**. Classifying the Other as barbarian or savage validated its dehumanisation and was seen as justification for use of violence to impose European norms.49 At the top were the white Europeans and at the bottom were ‘primitive’ Africans and aboriginal populations in the ‘new world’. Chinese, Arabs, Indians, and others occupied different positions in the hierarchical table. The nineteenth and twentieth century obsession with racialising culture racialising culture can be seen in the case of Tibetans too where different commentators sought to identify characteristics of the Tibetan ‘race’. A typical example was Graham Sandberg who was unflattering in his comments about the ‘Tibetan race as “a weak and cowardly people, their pusillanimity rendering them readily submissive.”’50 The fact that racism has less to do with colour and more to do with power relations becomes evident in the British treatment of Irish as ‘coloured’, as ‘white negroes’51 during the nineteenth century. Captain William Frederick O’Connor observation at the start of the twentieth century about Tibet is illustrative: ‘Common people are cheerful, happy-go-lucky creatures, absurdly like the Irish in their ways, and sometimes even in their features.’52 On the other hand, French traveller Alexandra David-Neel finds that dobdobs, the Lhasa monk ‘police’, looks like a ‘real negro.’53 Differentiation, classification and identification, when combined with racialisation, evolutionism and hierarchisation lead to the debasement and negation of most non-Western natives and idealisation of some.

#### Their discursive constructions of the world aren’t grounded in reality—claims to objectivity only mask Orientalism’s violence (1:35)

Marandi, 2009 (Seyed, Tehran University North American Studies Department Head , Western Media Representations, Iran, and Orientalist Stereotypes, January 2009, http://conflictsforum.org/briefings/western-media-representations.pdf, pg. 2-8, BEN)

**Orientalism** describes the various schools of thought and methods of investigation through which Europe came to know ‘the East.’ According to scholars such as Edward Said, it **was and still is through this discourse and its construction of knowledge that the West has been able to legitimize and maintain its hold over the uncivilized ‘Other.’** A major and repeated feature of Oriental analysis in all its various forms is that it constantly confirms the thesis that the Orient is primitive, mysterious, exotic, and incapable of selfgovernment. However, orientalism should not be looked upon as just the rationalization of colonial rule. Far more important, it seems, is how it knowingly or unknowingly justifies imperialism and colonialism even in advance of their actual manifestation. Orientalism can be “viewed in Foucauldian terms as a discourse: a manifestation of power/knowledge.”1 This is because, as Foucault sees it, discourse is a severely bounded area of social knowledge or “heavily policed cognitive systems which control and delimit both the mode and the means of representation in a given society.”2 **It is a series of statements, through which the world can be known, as it is not recognized by simply analyzing objective data**. Its recognition is brought into being through discourse, which is ideologically loaded, but independent of individual will and judgment. According to Said, discourse is the system of thought by which dominant powers establish spheres of ‘knowledge’ and ‘truth’, and it is through such discursive practices that religions, races, cultures, and classes are represented. Discursive practices are interwoven with social and power relations, while history itself is indivisible from discursive formations. The idea of representation is usually based upon a notion of being faithful to the original. However, representation is largely interwoven with many other things besides ‘truth’. It is defined not just by inherent common subject matter, but also by a common history, tradition, and universe of discourse that exists within a particular field.3 Representation is a phenomenon created by writers, intellectuals, artists, commentators, reporters, travelers, politicians, as well as others working within similar discursive formations. This Foucauldian perspective permits Said to consider numerous ‘Western’ texts, from apparently separate intellectual disciplines such as politics, media, history, linguistics, and literature, among others, as belonging to a single discourse called Orientalism. What brings these texts together is the common culture and ideology intrinsic to the discursive practices through which they produce knowledge about the Orient. These discursive “practices make it difficult for individuals to think outside them – hence they are also seen as exercises of power and control”.4 However, it should be kept in mind that this does not mean that a discourse is either static or cannot admit internal contradictions. It is often the case that orientalist modes of thought and representation are actually able to survive contact with the reality on the ground with which it often seems to be at odds with. One reason for this may be that the need for creating an overall consistency in discourse may constantly prevent the realization of objective analysis as well as commitment to ‘truth’. The stronger the discourse becomes the longer it lives, and the better it is able to bring about consistency within its borders. This is helped through the continued repetition and adaptation of its motifs. Another explanation for the persistent Orientalist mode of representation is Said’s concept of latent and manifest Orientalism. Manifest Orientalism is basically comprised of openly stated ideas about Eastern civilization, history, government, or literature produced at different historical junctures. Latent Orientalism, however, is an “almost unconscious and certainly an untouchable positivity”5 that: […] contains the basic ‘truths’ of the Orient, so that while, for example historians might disagree about particular interpretations of the history of the Orient, underlying assumptions of oriental backwardness would remain unquestioned. As such latent Orientalism has strong affinities with certain concepts of ideology, particularly the ‘negative’ version of ideology as false consciousness, and the durability of ideological formations, especially when allied to strong institutions such as Orientalism, would also help to explain the survival of Orientalist attitudes.6 An important aspect of Said’s Orientalism is that it explains the methods through which ‘the Other’ was constructed by the West as its barbaric, irrational, despotic, and inferior opposite or alter ego. It is a type of surrogate and underground version of the West or the ‘self’.7 **What may be even more significant is that through its position of domination, the West is even able to tell the ‘truth’ to non-Western cultures, in this case the Orient, about their past and present condition, as they are capable of representing the Orient more authentically than the Orient can itself**. Such a ‘truthful’ representation not only aids the colonizer or imperialist in justifying their actions, but it also serves to weaken the resistance of ‘the Other’ as it changes the way in which ‘the Other’ views itself. Many western experts, historians, reporters, and analysts may not necessarily construct an intentionally misleading or dishonest image of the Other (though some do). Many may not even omit facts, which by doing so might lead readers or viewers to unacceptable conclusions (though many do). What often happens is that the truth is quickly mentioned and then the analyst focuses on other issues. In other words, facts are sometimes stated and then buried in a mass of other information, and at times misinformation. The issue at stake here is not about simplification or emphasis, which are both inevitable for reporters and experts alike. The subsequent distortions are perhaps at times necessary in order for a wider audience to understand the topic under discussion. The form of distortion that is of concern here is an ideological one rather than a technical one, where intentionally or otherwise, any chosen emphasis effectively backs some kind of interest. The distortion may not be intentional, because the expert or analyst, whether western or a westernized oriental, has been trained under the illusion that knowledge and education are essentially neutral and are not tools that can be used for contending centers of power, nations, or races. Hence, by emphasizing certain elements and deemphasizing others (if they are at all presented), at times **major crimes and even mass murder can be justified**. This can easily been seen in the discourse of the mainstream media in the ‘West’ regarding western support for Saddam Hussain’s brutal regime as well as it’s use of weapons of mass destruction against Iranian and Iraqi civilians and combatants. The same can be said about the western media’s relative silence and indifference towards the Zionist regime’s barbaric siege of the Gaza Strip. Such crimes against humanity are regularly accepted as appalling, yet somehow necessary in order to protect the interests of the so-called Free World. The media’s treatment of western governments, politicians, and other western or westernized figures of influence in comparison to that of their victims or antagonists, whether they are Iranian politicians, Afghani villagers, or hungry Palestinian children, is regularly influenced by ‘national interests’ and the interests of the ‘free world’. In other words, **the mainstream media takes for granted that western actions are a necessary evil to ward off a greater evil**. Hence, history and the present is told from the point of view of western governments, conquerors, and diplomats, because they deserve universal acceptance in the face of the uncivilized Other. Regardless of the morality of such a Eurocentric approach to world affairs, scholars like Howard Zinn question its very meaningfulness: The pretence is that there really is such a thing as “the United States,” subject to occasional conflicts and quarrels, but fundamentally a community of people with common interests. It is as if there really is a “national interest” represented by the U.S. Constitution, in territorial expansion, in the laws passed by U.S. Congress, the decisions of the courts, the development of capitalism, the culture of education and the mass media…Nations are not communities and never have been. The history of any country, presented as the history of a family, conceals fierce conflicts of interest (sometimes exploding, most often repressed) between conquerors and conquered, masters and slaves, capitalists and workers, dominators and dominated in race and sex. And in such a world of conflict, a world of victims and executioners, it is the job of thinking people, as Albert Camus suggested, not to be on the side of the executioner.8

## Alt

### Alt – Academic Interrogation

#### Techno-orientalist discourse is perpetuated every day, only a confrontation with pedagogical practices centered on modernization theory can break down stereotypes surrounding East Asian functionality

Lozano-Mendez 10 (Artur, Undergraduate Student Majoring in East Asian Studies, Published in 2010, “TECHNO-ORIENTALISM IN EAST-ASIAN CONTEXTS: REITERATION, DIVERSIFICATION, ADAPTATION”, pg. 184-186) RR Jr

Early in the history of exchange with Europeans, Japan was presented as the most conspicuous instance of il mondo alla riversa, “the world upside down”. After many decades of globalization, that topos from the Renaissance clings on to the Western imagination. The following words were written by the Jesuit Alessandro Valignano, who visited the East Indies from 1574 to 1606: “They also have other rites and customs so different from all the other nations that it would seem that they deliberately studied how to differ from everybody (…) because honestly it can be said that Japan is a world upside down compared to the ways of the world in Europe; as it is so different and contrary, that there is almost no issue where they adjust to us.”14 Such all-encompassing othering perceptions spread quickly and rooted deeply. Even today, after many decades of globalization, Japan is presented sometimes as the radical other versus Euro-American cultural horizon. Following the logics of schema of co-figuration, the identity of the West had been supported by antonymous couplings such as civilized–uncivilized, modern–pre-modern, etc. According to Morley and Robins, the idea of the West draws legitimacy from the unequivocal and exclusive correspondence that bound together the words “West–Modernity–Progress”. Thus, techno-orientalism started to take shape when such discursive exclusivity was unmistakably refuted, when the other “refused” to render themselves as the docile signified to a preset signifier. As Morley and Robins write: “Those anxieties must be seen in the context of an increasing sense of insecurity about European and American modernity. Modernity has always been that ‘mysterious and magical word that puts a barrier between the European [and American] ego and the rest of the world’.16 If it was the West that created modernity, it was also modernity that created the imaginary space and identity described as ‘Western’. (...) however, the very dynamism of modernity also worked to undermine its Western foundations. The modernization project was cumulative, future-orientated, based upon the logic of technological progression and progress. Its various elements were also designed to be exported and to transcend their European origins and exclusiveness. Modernization and modernity, with their claims to universalism, could be transposed to other host cultures. In Japan this project found a fertile environment. The technological and futurological imagination has now come to be centered here; the abstract and universalizing force of modernization has passed from Europe to America to Japan.” An instrumental factor in the successful expansion and acceptance of techno-orientalist tenets lay in their early adoption by self-orientalist discourse in Japan. Self-orientalism takes the images supplied by Western orientalism and changes their polarization from negative to positive. The mutual feedback benefits power structures both internationally and within Japan, where the nihonjinron—a trend of publications analyzing the “particularism” of Japanese people—already promotes conformity to specific models of citizenship.18 Thus, discourse informally induces people to adopt certain lifestyles and values. Those perceived cultural traits are turned into cultural assets, and merchandised as such. What the techno-orientalist deformative lens perceives as robotic, gregarious and self-emasculated way of life is presented as a considerate, balanced and reliable behavior. Paradoxically, the culture, tourism and entertainment industries from Japan have been exporting products that undergo symbolic negotiation in Western markets 20 and, all too often, become techno-orientalist avatars. The result of such symbolic negotiation comes naturally since the mainboard of technologies of recognition is already printed with techno-orientalism and the “binary structuring schemata that are constantly utilized by the geopolitics of the modernization theory.”

### Alt Key to Agency

#### Voting an affirmation of agency in the face of Orientalism. Our reconception of social relations opens up a space for the Other to be integrated peacefully

Samman et al 8 (Khaldoun, PhD in Sociology from Binghamton University, Mazhar, PhD in International Affairs from Qatar University, Published in 2008, Published by Paradigm Publishers, Page 215) RR Jr

If the self is conceived as a social relationship (of a human entity to itself), the reified notion of "the social" as comprising a relatedness to an "Other —as presumed in a Newtonian notion of society as a system of interacting human bodies—gives way to a notion of the social as an ensemble of diverse forms of sub-individual self-relations and self-interactions: intrapersonal (self-relations within one's own organism), interpersonal (self-relations across organisms), and extrapersonal (self-relations to the built or natural environments). The fact that in a society or culture, only my relation to myself is seen as a self-relation, and the label of the "social" is reserved only to when I relate to an Other (singular or collective), this may itself signify the presence of an alienated/ing mode of production and living in which the relatedness of members to one another and to their natural/built environments are perceived as relations to "Others." Further inquiry, however, reveals how one's relation to an "other" is intricately constitutive of "oneself' and how one may find a multitude of alienated/ing "Others" populating one's own fragmented inner world-system. Once we adopt a notion of the self as a social relation, and of society as an ensemble of intra-, inter-, and extrapersonal self-relations, it becomes clear why a liberatory strategy based on the notion of the simultaneity of self and global transformations makes good sense. Such a strategy can only be accommodated via adoption of a unit of analysis that simultaneously takes account of the simultaneity of macro and micro, global and inner, world-systemic processes. "As above, so below." Grand imperial expeditions cannot take place apart from the imperial modalities of how each of us internalizes and perpetuates imperial modes of relating to ourselves and "others." My relations to others and to my selves are always twin-born and, as Gloria Anzaldua pointed out, the struggle is always inner and only acted out in broader society. The institutionalized conceptions of society, and practices of sociology, are premised by the presumed singularity of the individual as a "social" actor. The notion that individuals' lives are "determined" by their "social" relations is highly reminiscent of the Newtonian Laws of physics where the bodies, being conceived as billiard balls, respond to external stimuli or forces, and do not possess "forces" of their own to engender alternative motions and directions. In Newtonian sociologies, bodies are predictable entities devoid of their own dynamics. Relationships are thereby conceived as being external to them. Bodies act upon one another. In similar conceptions of society, the "social" is always conceived as being external to the individual, rigidly dichotomized from the self or selves within. In what I have called quantal sociological imagination (2004, 2004b, 2006b), however, such presumed conceptions of "the social" give way to a notion of society in terms of an ensemble of interacting sub-atomic, sub-individual, selves. That people become individuals, i.e., individuate into beings capable of exercising conscious awareness and will, is then treated only as a possibility subject to intentional human efforts and not taken for granted as an in-born attribute.