### 1

**Interp: The 1AC must provide a metaphorical interpretation of the resolution. To clarify, fiat and the aff’s impacts of [\_\_\_\_\_] are bad and a metaphorical interpretation of the resolution means not using fiat or [\_\_\_\_] as an actor**

**1] Real world education: Racing towards the extinction impact reduce the severity of the reality of racism and oppression**

**Reid-Brinkley 19** (Shanara R. Reid-Brinkley, June 2019. University of Pittsburgh, “Voice Dipped in Black: The Louisville project and the Birth of Black Radical Argument in College Policy Debate”) B1ACK ZD //Recut Nato

During competition a team is either assigned to be affirmative in a debate, and thus must defend the resolutional statement, or is assigned the negative position and negates the af­ firmative. When a team is assigned to debate on the affirmative side they traditionally use the topic as a lens from which to offer a specific policy action that is consistent with the intent of the resolution. Thus an affirmative team need not defend all aspects of the reso­ lution, just their specific example of the resolution (the affirmative plan). The debate reso­ lution for the 2003–2004 school year read: “Resolved: That the U.S. Federal Government should enact one or more of the following: Withdrawal of its WTO complaint against the EU’s restrictions on GM Foods; Increase economic or conflict prevention aid to Greece &/ or Turkey; Withdrawal from NATO; Remove barriers to (p. 226) EU/NATO participation in Peacekeeping and Reconstruction of Iraq; Remove TNWs from Europe; Harmonize DNA intellectual property law with EU; Rescission of 2002 Farm Bill Subsidies” (“Tournament Topics 1946–2012” n.d.). Rather than a literal interpretation of the resolution that calls for the affirmative to take on the role of the US federal government, Louisville expands the traditional interpreta­tion of the resolution and the prima facie burden of affirmative teams in competition. Specifically, the Louisville debaters engage in a metaphorical interpretation of the resolu­tion. Louisville’s strategy is to engage the traditional methods of competitive debate prac­tice. They argue that the resolution should serve as a metaphor, an alternative to the strict interpretation of the resolution that leads to a hyper focus on the cost-benefit analy­sis of policy considerations. The metaphorical interpretation changes the frame for the debate. The debate is taken out of the cost-benefit analysis frame where teams argue over the relative merits of a policy as if it were actually going to be enacted in legislation after the debate. Normally a debate about US withdrawal from the North Atlantic Treaty Organization (NATO) would center on the implications to US leadership and the potential for destabilizing China, Russia, and the Middle East. The debate would quickly degener­ ate to a comparison of body counts on both the affirmative and negative sides, with each team arguing that the other team’s position will result in a measurable and hence compa­ rable risk of numerous conventional and nuclear wars. Pre-Louisville debate was often parasitic, discussing bodies as objects, not subjects in policy-making. In debate competi­tion, the race to identify a war or extinction impact as central to one’s major arguments, regardless of their potential probability, has resulted in limiting the significance of more certain and existing structural impacts like anti-Black racism and economic oppression. In the following examples, the Louisville debaters uses the foreign policy language of “withdrawal” from NATO to talk about the “exporting” of US social and political practices abroad. They will then use “withdrawal” and “exporting” as the metaphorical basis for discussing domestic US anti-Black racism.

#### 2] Exportability – Debates over literal interpretations of the resolution rather than a metaphorical one prevents debaters from talking about how their politics can create material change or how it will affect the people in the communities you claim to care about. Our model of debate is key to spread awareness and actualize movements to solve their offense

#### Voter is anti asianess: violent debate norms and racially charged affs must be held accountable for safety. Anti-asianess per our standards is a form of unfairness because it proves you’ve damned us from victory.

#### TVA: Defend in aff removes anti Asian violence as a metaphorical interpretation of IP protections. Lit is accessible – proven by my aff which has a lai 21 card talking about IP protections as antiasian.

#### DTD T indites the aff and a model of antiasianness should not be tolerated. Prefer Competing interpretations – 1] reasonability leads to judge intervention which anti asian biases go unchecked and 2] you can't be reasonably anti asian. No RVIS and Impact turns aren’t reasons to drop me – A] RVIs is just a form of white reparations, you shouldn’t win simply because the 1NC was wrong which reproduces cancellation politics of harshly punishing asian people for small mistakes.

#### And they can't weigh, or cross apply case because we are indicting the case and their starting point. They need to defend their model is a good and productive model of debate

### 2

#### Text – [Do the Plan but in Taiwanese Mandarin]

#### Linguistic features signify personhood and creates stereotypes. Vote negative to interrogate racial ideologies of language.

Rosa et al 17 Rosa, Jonathan, and Nelson Flores. "Unsettling race and language: Toward a raciolinguistic perspective." Language in society 46.5 (2017): 621-647. (Assistant Professor of Anthropology and Linguistics and Associate Professor in the Educational Linguistics Division)//Elmer recut Nato

Similar to Bucholtz & Hall's (2005) approach to identity and interaction, we are interested in **how processes of raciolinguistic enregisterment emblematize particular linguistic features as authentic** **signs of racialized models of personhood**. This is found not only in sociolinguistic accounts of the features that **compose** categories such as ‘**African American English’ (Green 2002) or ‘Chicano English’ (Fought 2003), but also popular stereotypes and modes of linguistic appropriation such as ‘Mock Spanish’ (Hill 2008), ‘Mock Asian’ (Chun 2004), ‘Hollywood Injun English’ (Meek 2006), and ‘linguistic minstrelsy’ (Bucholtz & Lopez 2011).** In each of these cases, minute **features of language**, including grammatical forms, prosodic patterns, and morphological particles, are emblematized as **sets of signs that correspond to racial categories**. Crucially, as Meek (2006) demonstrates, these forms need not correspond to empirically verifiable linguistic practices in order to undergo racial emblematization. Moreover, as Lo & Reyes (2009) point out, **the imagination of groups such as Asian Americans as lacking a distinctive racialized variety of English analogous to African American English or Chicano English, must be interrogated based on the racial logics that organize stereotypes about and societal positions of different racial groups on the one hand, and perceptions of their language practices on the other. Specifically, Lo & Reyes argue that racial ideologies constructing Asian Americans as model minorities who approximate whiteness are linked to language ideologies constructing Asian Americans as lacking a racially distinctive variety of English**. In related work, Chun (2016:81) shows how emblematized Mock Asian forms such as ‘ching-chong’ are located across ‘the important boundary between ‘Oriental talk’ and English’, which **sustains Asian Americans** alternately **as model minorities and forever foreigners. Thus, we must carefully reconsider seemingly ‘distinctive’ and ‘nondistinctive’ language varieties alike, by analyzing the logics that position particular racial groups and linguistic forms in relation to one another. That is, no language variety is objectively distinctive or nondistinctive, but rather comes to be enregistered as such in particular historical, political, and economic circumstances.**

#### The 1NC’s translation is linguistic activism that reclaims cultural agency and critiques stereotypes.

Duan 15 Duan, Carlina. " The Space Between: An analysis of code-switching within Asian American poetry as strategic poetic device"(English Honors) AND" Here I Go, Torching"(Creative Writing Honors). Diss. 2015. (BA in Honors English from the University of Michigan)//Elmer recut Nato

In an interview with Women’s Review of Books literary magazine, Hong further discussed **the strategic role of translation as a form of linguistic activism** within her poetic work. When asked why she does not include translations from Korean to English within her own poetry, **Hong said: “I wanted to open up these schisms, to emphasize that memory, the filtering of human experience into poetry, is often fractured and not transparent, especially experiences which have always been bisected and undercut by two languages.**” She added, “I think I want to debunk the idea of **easy translation—whether it be the idea of literal translation or, as I said before, the translating of one’s experience into poetry**” (Hong 2002a, 15). Hong’s intentional decision to leave out English translations in her poetry creates a power dynamic between speaker and reader of the poem. Not only are “easy” translations dismantled and withheld from the reader, but, according to Hong, **codeswitching — without translation — also more accurately reflects her personal experiences of cultural and linguistic movement. Hong points out that human experiences and the world of memory, especially for bilingual speakers, are “not transparent” — not captured neatly by one language, but rather, “bisected” by the complexities of belonging to two (or more) languages, implying a movement between multiple spaces. Scholars describe poetic code-switching in this way as a navigation of power**. Literary scholar Benzi Zhang argues that code-switching makes apparent different levels of cultural knowledge for speaker and reader: **“[T]he insertion of […] foreign words effectively renders Asian sensibilities into English and signifies different positions of cultural agency” (Zhang 131). Building upon this idea of cultural agency, I argue that Hong uses Korean to consciously expose themes of exoticism and racial stereotyping that readers themselves may be (consciously or unconsciously) participating in. As a result, Hong creates agency for her speaker through critiquing culturally appropriative behavior, in addition to an agency in knowledge**; Hong’s speaker can access cultural understanding that her readers do not have. Yet, Hong does more than negotiate questions of audience access; **she uses code-switching to reflect her speaker’s lived experiences of Korean-American identity, grappling with multiple languages and cultural codes**. In “An Introduction to Chinese-American and Japanese American Literatures,” Jeffrey Chan et al. writes, “**The minority experience does not yield itself to accurate or complete expression on the white man’s language” (qtd. Zhang 137**). As Chang et al. suggest, code-switching embeds itself as a natural part of the “minority experience,” and is documented as such in Hong’s poems. **Thus, the poems not only act as social critique of exoticization, but further inhabit the embodied experiences of Korean-American female identities living in the U.S. — which, as Hong reveals, are complicated experiences of rage, agency, celebration, and shifting power dynamics.** Critics who have reviewed Hong’s work, such as Jan Clausen, have raised questions about the effect of Hong’s play with translation. Clausen, in a review titled “The poetics of estrangement,” published through the Women’s Review of Books, writes of Hong’s collection Translating Mo’um: “Hong deftly dismantles the romance of language as homeland, with results especially unnerving for the non-Korean-speaking reader” (Clausen 15). **According to Clausen, Hong’s work with code-switching** subverts traditional notions of the ‘native tongue’ as representative of “homeland**,” dismantling what a reader may expect of a Korean American author: that she use Korean language to specifically discuss her ethnic culture as a hyphenated American**. In other words, Hong’s code-switches function as intentional poetic protest against the reader’s expectations of the relationship between multilingual text and ethnic identity. As Clausen points out, such readings may anticipate that mother tongue is only introduced to speak about cultural difference or history, rather than used additionally as formal poetic device. **In this chapter, I reveal Hong’s awareness of Korean language and code-switching as tools in identity-construction. Rather than allow others to shape her identity for her, she remains dominant in shaping her identity — and her agency — for herself.**

#### Pics good

#### 1] Neg flex – you had infinite prep time to construct the aff so you can defend the reps if it

#### 2] Logic – proves the aff is bad which means you negate

### 3

#### Asian Americans subject formation is never complete – there is an ontological gap between the real and symbolic which is characterized by incomplete assimilation. Asian bodies are not our own but rather tools of society.

Kim 1 (Chang-Hee Kim, The Fantasy of Asian America: Identity, Ideology, and Desire) 2009 klmd recut/tagged Nato

Fantasy of Asian American Identity The question of how Asian Americans are perceived as ‘permanent aliens’ in the U.S. is a common topic in Asian American studies. Frank H. Wu states that “where are you from” is a question anyone with an Asian face is continuously asked in the U.S. In his essay “Where Are You Really From,” he mentions that Asian Americans’ being mistaken for a foreigner has become their routine experience to the extent that they cannot be a real American. In everyday life in the United States, such awkward situations happen casually and regularly, and affect Asians and Asian Americans deeply, placing them in the status of permanent, yet never complete assimilation. Due to the popular circulation of knowledge informed by postcolonial studies in academia, the misrecognition of the Other has become a constant point of reference to support oppositional positions of “minoritized” in opposition to so-called epistemic violence9; our identities are constituted, exchanged, and recognized by the hegemonic social order justifying the legitimacy of existing arbitrary social structures. Given how the cognitive knowledge of ‘who we are’ is predetermined, we are subject to the pre-existing system 8 Who Killed Vincent Chin? is a 1987 documentary film directed by Christine Choy and produced by Renee Tajima-Pena about the death of Vincent Chin. It was nominated for an Academy Award for Best Documentary Feature. 9 Gayatri C. Spivak theorizes the notion of “epistemic violence” in her renowned article “Can the Subaltern Speak?” 31 of signs that creates a kind of epistemological gap between our knowledge of ourselves and how we are referred to. The recognition of ones’ identity as Asian, for instance, takes place when the public eye sees something in them that does not fully belong to them. It ascribes to their being a kind of fantasy that makes them “typical” Asians in terms of racial identification. Parts of their bodily appearances become determinants of their racial identity, functioning as an abstract sign that automatically refers to some concept of “Asian,” and their ontological being has its meaning only in relation to the conceptualized. Their subjectivity thus becomes regulated by, and subject to, the pre established system of racial identification insofar as it certifies “who they are.” It refers to the way in which any Asian American happens to be recognized as Charlie Chan. “Who they are,” in this sense, indicates, as Louis Althusser might put it, an ideological subject that the contingent and arbitrary rule of social agreements, however biased, constitutes. It is no wonder that Michael Omi and Howard Winant define racial formation as a “sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed” (RFUS 55). It is interesting to see the way in which particular parts of “what they are made of”—hair color, the shape of eyes, facial features—become the universal referent of “who they are.” They not only represent but also substitute for the imagined totality of their ontological being. In other words, their identitarian self has its ontological meaning reduced to the conceptual formality of what it means to be Asian American. The process of racial identification, as a result, occurs beyond their control and will in figuring out their self-identity. It keeps escaping and defying their basic desire to 32 differentiate their individual self from that of others. Essential to an understanding of how racial identification takes place is obviously such an uncontrollability of representations. Asian American identity exists as an abstract sign that makes sense in the context of the conceptual Asian like Charlie Chan—for example, the imagined as well as hegemonic system of Asian stereotypes. Within the discursive formality of the identity are imaginary elements that seem both extraneous and intrinsic to Asian American ontology. This epistemological difference in their self-identity stands for the gap. Fundamentally, the gap emerges when the hegemonic authority of public gaze defines “who they are” as typical of Asian Americans. That is, it comes out of the ontological inconsistency and contradiction of the representational system of Asian American identity vis-à-vis the totalitarian authority to recognize them “as such” in accordance with the pre-ontological formality of the conceptual Asian American. Nonetheless, Asian Americans’ bodies superfluously signify something excessive, more than “who they are,” an elusive meaning that is not always clear and definable vis-à-vis their racial identity. The discrepancy between the formalistic meaning of Asian American identity and the self-reflective or self-referential meaning of their subjective self consists in an indefinable dimension, or an ontological gap, within the identity. Metaphorically, it works as Charlie Chan’s apparitional power encompassing Asian Americans’ distinctive individualities within themselves. This apparition keeps haunting them, evoking others’ temptation to recognize the former as symbolic of the conceptual Asian. Given this, that Asian Americans’ distinctive subjectivity negates any given identity in terms of, say, race, can be seen as an antagonistic gesture of political resistance to U.S. culture, i.e., the public eye that 33 produces the stereotype of Asians as a fixed form of truth. Constituted as a cognitive system of knowledge that falls within the realm of common sense, stereotype rather turns Asian Americans into an appendix to the symbolic apparition or uncanny double that reifies their identity in the typical formality of “Asian”—that is, racial fantasy. Asian Americans become a puppet-like agent of Charlie Chan’s apparitional power evoking something in themselves more than themselves, which is projected upon their identity. It creates a division within the system of “commonsensical” representation—the conceptual (fantasy) vs. the original (imagination). The apparitional power of fantasy—invisible but effective to the public eye—is what combines the two for the sake of the communicative exchange of their identity as a cognitive sign. At the same time, the apparitional fantasy remains elusive and unidentifiable, making the gap between “who they are” and “who they are seen as.” Simply put, the former is the real of them whose subjectivity remains neither fully symbolized nor properly interpellated, an unfathomable dimension of Asian American identity that resists their being completely identified as a typical Asian as a whole. On the contrary, the latter refers to the symbolic figure of the Asian American that the public eye recognizes as one of Charlie Chan Asians. Although it is our fate to be social subjects dictated by the representational system that constitutes our identitarian position, the gap of the subject between real and symbolic never comes to a closure. The identitarian system of representation can maintain itself through social agreements for the communication between self and other. At stake in the system is the uncontrollability of representations intrinsic to the nature of the agreements making for the idealistic achievement of universal communication in 34 totality, yet it always remains incomplete. W. J. T. Mitchell observes, “Representation is that by which we make our will known and, simultaneously, that which alienates our will from ourselves in both the aesthetic and political spheres” (21). The system of representation, such as languages and bodily appearances, is a social construct making possible the communicative process of identification and, simultaneously, creating an epistemological void that prevents the communication from being fully accomplished. This gap is where fantasy with a spectral power operates in the process of identification and fills

#### Pandemics discourse is anti – Asian and rooted in western superiority. Debates that center disease inevitably lead to the polarization of Asian culture.

White 3-25 [Alexandre I.R White, B.A., Amherst College, 2010 MSc., The London School of Economics and Political Science, 3-25-2021, "Podcast: A History of Pandemic Xenophobia and Racism," <https://www.theatlantic.com/health/archive/2021/03/a-history-of-pandemic-xenophobia-racism/618421/> [accessed: 8/22/21] // Lydia //Recut Nato

Higgins: Back in April of last year, [you wrote](https://www.hopkinsmedicine.org/news/articles/xenophobia-in-the-time-of-quarantines): “As we witness spates of xenophobic violence, Sinophobia and other anti-Asian sentiment, it is important for us to notice whose perspective dominates responses to epidemics.” What have you been thinking about as we’ve seen this anti-Asian harassment and violence escalating? White: I’ve been both incredibly saddened by this and also frustrated. This history of anti-Asian racism runs very much through histories of epidemics, of immigration, of colonialism that the United States often doesn’t discuss. What this ignores is the long history of structurally racist action against Asian populations broadly. And this goes back to the latter half of the 19th century, reaching a sort of apex with two major federal acts that would control immigration from Asia to the United States. The first was the Page Act of 1875, which banned the immigration of Chinese women, and which was justified on the basis that Chinese women were perceived to be immoral or guilty of sexual misdeeds. And this conflation of sexual and moral perversity was linked fundamentally with a medical justification that somehow the venereal diseases that Chinese women might bring and spread as sex workers were somehow more virulent than those brought by either other European migrants or that existed in the United States. So there was this grim and horrific conflation of gender, sexuality, race, and the foreignness and concern for the diseases that were more threatening because they were fundamentally arriving from Asia. Higgins: And we saw an apparent attack specifically on Asian women working in massage parlors over 100 years later. White: The other major coercive, racist, and anti-Chinese act that emerged in the late 19th century is the Chinese Exclusion Act, which banned the immigration of Chinese men as well, doubling down on the Page Act. This was once again justified by beliefs of the threat of contagion arising from Asia and somehow poisoning the moral and epidemiological space of the United States. And it’s really important to note that these acts were not solely effective against Chinese or broadly Asian populations, but the sheer fact that these acts were passed really allowed for the slews of racist and xenophobic immigration acts that we saw in the 20th century and 21st century against South American and Central American populations. Even former President [Donald] Trump’s Muslim ban is rooted in this legacy that really emerges out of a very specific, racially targeted form of exclusion in the Chinese Exclusion Act. And this is something that Erika Lee and many others have [written about in great detail](https://www.basicbooks.com/titles/erika-lee/america-for-americans/9781541672598/), and I think is really important to keep in mind, especially when we attempt to understand the complexities of the violence that we’ve seen in recent weeks and the violence we’ve seen broadly across 2020. A troubling aspect in [how] the United States responded to COVID-19—and I would include the United Kingdom in this response as well—is that for the 19th century and 20th century, so much of Western beliefs of fundamental superiority of civilization and justifications for colonialism emerged out of this mythology of the West being the most sanitary, the most hygienic space, and being the most hygienic civilization on the planet. Rudyard Kipling’s infamous poem The White Man’s Burden, for instance, was written about American colonial actions in the Philippines, where he writes: “Take up the White Man’s burden— / The savage wars of peace— / Fill full the mouth of Famine, / And bid the sickness cease.” It was very much his belief that Western civilization, and explicitly American civilization, was the most hygienic, the most sanitary, and that the rest of the world was responsible for the diseases that could pollute that civilization. And we see that same rhetoric coming up today. But we also see that myth falling apart as we recognize that the U.S. COVID-19 response up to vaccination delivery has been one of the worst—one of the most unequal and most deadly in the world. Hamblin: I have a [particular interest in the history of hygiene](https://www.penguinrandomhouse.com/books/588965/clean-by-james-hamblin/). That myth that you talk about of the Western world being uniquely hygienic—it’s actually the inverse of that. Christian countries were late to and sometimes actively discouraged things like baths because they were lewd and you had to be naked. When Marco Polo traveled, he was taken by hygiene standards elsewhere that were much higher than in Europe. And Europe certainly had its share of plagues and infectious disease. So that was always a baseless idea, right? White: Absolutely. And it’s [an] idea that really emerges in the aftermath of 19th-century European colonization of the rest of the world. When we look at the history of international infectious-disease control, that emerges really in the 19th century out of what were called the International Sanitary Conferences, which was a set of conferences that began in [1851] and continued into the 20th century, that focused on creating the first international infectious-disease controls for regulating the spread of infectious disease among people. But the focus of these controls were not health for all or some sort of humanitarian principle. Rather, it was: How do we allow for the maximum speed and pace of trade and traffic with also the maximum control of infectious disease? It was really about minimizing the effect on trade and traffic while also controlling infectious disease. And unsurprisingly, especially as these conferences were driven by European imperial powers—the particular concern over disease traveling from colonial sites, especially in Africa, the Indian Ocean, and then ultimately also in South and Southeast Asia—the focus became on how to maintain lucrative sea lanes and shipping without spreading diseases that were becoming very dangerous in the eyes of Europe, like cholera, plague, and yellow fever. So this myth emerges. And it’s a mythmaking process that I think is actually central to Europe and the West coming to envision itself as an entity apart from the rest of the world. And in my work, I call this “epidemic Orientalism.” We see the ways in which the need to maintain trade, colonial, and resource exploitation becomes bound up with controlling particular bodies and people who were seen to be in opposition to a sanitary global trade regime. And this is where you get a lot of the racist and xenophobic ideologies we’ve talked about already, and ideas that we see still in the present when we associate diseases with certain parts of the world, essentially slurring the names for an epidemic like COVID-19 in a variety of ways that ascribe blame to certain countries or certain areas. Hamblin: Right. That draws out this interesting distinction: There’s a lot of scapegoating and blaming of immigrants during these heightened times of infectious-disease spread. But the actual issue is just travel. If there is an outbreak in a particular place that you need to contain, you can ban travel to and from that area. Sometimes that’s a legitimate and necessary public-health measure. But why would you ever specifically say that it has something to do with immigration and yet people can travel to these places? White: Framing of threat through disease allows for the pathologization of peoples and cultural practices as somehow distinct and different from one’s own. So it’s a way of creating difference. If an epidemic is occurring in a certain region, there are certainly justifications for containing that epidemic, controlling it, and mitigating its spread. I think it’s when you start applying differential systems of control. For instance, in the 19th century, the diseases spreading from Europe were not regulated or controlled in these International Sanitary Conventions, [which] essentially allowed disease to spread from Europe to the rest of the world, but policed diseases traveling from elsewhere, namely colonial sites to European metropoles, which created a fundamentally differential system of travel regulations rooted in disparities and in systems of oppression. Hamblin: Connecting the idea of a place or group of people to a pathogen has occurred throughout history. In 1919, people referred to the Spanish flu despite it seeming to have originated in the U.S. Donald Trump used the phrase “China virus” a long time into the pandemic when that was not at all an appropriate term. Now we are seeing things like “U.K. variant” or “variant that originated in the U.K.,” or South Africa or Brazil. Is there a more sophisticated nomenclature that would avoid inappropriate conflation of a certain group of people or a place with a pathogen? White: We could go with the scientific variant names. The U.K. variant is known as B.1.1.7. Hamblin: Though that is hard to do in popular media, especially now that there’s [at least] five variants of concern here in the U.S. and they all jumble up and sound the same. White: I think there’s a slightly more philosophical question related to this, which is: Obviously, epidemics may begin in a certain place, but to what extent do origins actually matter? Especially when we’ve seen the epicenter of this pandemic move from China to Italy to take up home for a very long time in the United States. How do we equate geography and threat when epidemic epicenters do tend to move and shift? And this is something that the WHO has challenged—the naming of diseases for their point of origin. Several diseases have been renamed to reduce that stigma. One of the reasons COVID-19 is COVID-19 and SARS-CoV-2 is [because those names are] completely devoid of any geographic signifiers. The one disease that I think really sticks in the minds of people today is still Ebola virus disease, which is named after the Ebola River. So what we’re seeing—and I think the variants are bringing up this conversation again—is while it’s important to understand and control the disease within a specific geography, the conflation of a place as somehow the cause of the emergence or spread of the disease is where we run into very real challenges, where culturally specific, racially specific, nationally specific stereotypes and anxieties start to emerge. And that’s really what we fundamentally need to combat against because it leads to very, very bad public-health policy. And it also leads obviously to very significant resentments, which simmer over and lead to oppression in so many different ways.

#### **Debate is a communicative activity which forces coercive mimetism which gauges successful assimilation that excludes Asian bodies. Language marks impossible social compliance for the Asian and separates them from the rest of the students.**

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﻿MIMICRY; OR, THE MELANCHOLIC MACHINE Racial melancholia as psychic splitting and national dis-ease opens on the interconnected terrains of mimicry, ambivalence, and the stereotype. In his seminal essay “Of Mimicry and Man: The Ambivalence of Colonial Discourse,” Homi Bhabha describes the ways in which a colonial regime compels the colonized subject to mimic Western ideals of whiteness. At the same time, this mimicry is also condemned to failure. Bhabha writes, “Colonial mimicry is the desire for a reformed, recognizable Other, as a subject of a difference that is almost the same, but not quite. Which is to say, that the discourse of mimicry is constructed around an ambivalence; in order to be effective, mimicry must continually reproduce its slippage, its excess, its difference.… Almost the same but not white.”28 Bhabha locates and labels the social imperative to assimilate as the colonial structure of mimicry. He highlights not only the social performance but also its inevitable, built-in failure. This doubling of difference that is almost the same but not quite, almost the same but not white, results in ambivalence, which comes to define the failure of mimicry. Here we elaborate on Bhabha’s observations of mimicry with its intrasubjective internalization into the psychic domain through the logic of racial melancholia. It is important to remember that, as with Bhabha’s analysis of mimicry in the colony, Freud marks ambivalence as one of melancholia’s defining characteristics. In describing the genealogy of ambivalence in melancholia, Freud himself moves from the domain of the social to the realm of the psychic. He notes that the “conflict due to ambivalence, which sometimes arises from real experiences, sometimes more from constitutional factors, must not be overlooked among the preconditions of melancholia.”29 According to Freud, melancholia not only traces an internalized pathological identification with what was once an external but now lost ideal. In this moving from outside to inside, we also get a strong sense of how social injunctions of mimicry configure individual psychic structures as split and dis-eased. The ambivalence that comes to define Freud’s concept of melancholia is one that finds its origins and routes in social history—in colonial and racial structures impelling performative displays of mimicry and man. It is crucial to extend Bhabha’s theories on colonial mimicry to the domestic landscape of race relations in the United States—a postcolonial nation itself—in order to consider how we might usefully explore this concept for Asian Americans. One potential site of investigation is the racial stereotype discussed above—the model minority myth. In an earlier essay titled “The Other Question: Stereotype, Discrimination, and the Discourse of Colonialism,” Bhabha aligns ambivalence and splitting with the stereotype, suggesting that the performance of mimicry and the phenomenon of the stereotype be considered together. The stereotype, Bhabha writes, “is a form of knowledge and identification that vacillates between what is always ‘in place,’ already known, and something that must be anxiously repeated … for it is the force of ambivalence that gives the colonial stereotype its currency.”30 If we conceptualize the model minority myth as a privileged stereotype through which Asian Americans appear as subjects in the contemporary social domain, then we gain a better understanding of how mimicry specifically functions as a material practice in racial melancholia. That is, Asian Americans are forced to mimic the model minority stereotype in order to be recognized by mainstream society—in order to be, in order to be seen at all. However, to the extent that this mimicry of the model minority stereotype functions only to estrange Asian Americans from mainstream norms and ideals (as well as from their own histories), mimicry can operate only as a melancholic process. As both a social and a psychic malady, mimicry and the model minority myth distance Asian Americans from the mimetic ideals of the nation. For Asian Americans, mimicry is always a partial success as well as a partial failure to assimilate into regimes of whiteness. Let us analyze this dynamic from yet another angle. Although Asian Americans are now largely thought of as model minorities exemplifying the “American dream,” this stereotype of material success is partial because it is configured primarily as economic achievement (in spite of extreme poverty in various Asian American communities) rather than social or cultural belonging. The putative success of the model minority subject comes to mask the limits of his political representation and agency. It covers over her inability to gain “full” and “well-rounded” subjectivities—to be politicians, athletes, artists, and activists, for example—to be recognized as a “typical American,” to invoke the exact title of Gish Jen’s novel from 1991. To occupy the model minority position, Asian American subjects must therefore submit to a model of economic rather than political and cultural legitimation. To this day, widespread social and parental pressures often dictate that Asian American students must opt for “safe”professional and upwardly mobile careers— doctor, engineer, lawyer— often at the expense of individual desires and psychic well-being—“doing well versus feeling well.”31They must not contest the dominant order of things; they must not “rock the boat”or draw attention to themselves. It is often difficult for our Asian American patients and students to articulate or to acknowledge their desires, as the model minority stereotype demands not only an enclosed but also a passive self-sufficiency and compliance. Drawing from Jacques Lacan’s idea of the subject as a desiring subject, Antonio Viego has described a similar prioritizing of needs over desires in the context of Latino immigration. He describes this process as the psychic production of a “dead subject,”the creation of a subject dead to his or her desires.32 Insofar as both social and parental pressures emphasize needs over desires— necessity over extravagance in Sau-ling W ong’s elegant formulation— melancholia and the death drive cannot be far behind.33 The model minority stereotype also delineates Asian Americans as academically successful but rarely well-rounded—well-rounded in tacit comparison to a normative white student body. Here is another example of Bhabha’s concept of mimicry as nearly successful imitation. This not quite successful performance attempts to cover over that gap—the failure of well­ roundedness— as well as that unavoidable ambivalence resulting from this tacit comparison in which the Asian American student is seen as lacking and not fully assimilated. This social failure incites a psychic ambivalence that characterizes the racialized subject’s identifications with dominant ideals of whiteness as pathological. This is an ambivalence that opens upon the landscape of melancholia and depression for many Asian American students. Those Asian Americans who do not fit into the model minority stereotype are altogether erased from—are not recognized by—mainstream society. Like Kingston’s grandfather in China Men, they are often rejected by their own families as well. The difficulty of negotiating this unwieldy stereotype is that, unlike most negative stereotypes of African Americans, the model minority myth is considered to be a “positive”representation— a model of social achievement and exceptionalism. In this regard, not only mainstream society but also Asian Americans themselves become attached to, and divided by, its seemingly admirable qualities without sufficiendy recognizing its liabilities—what the political theorist Wendy Brown describes as a “wounded attachment.”34 According to Bhabha, in its doubleness the stereotype, like mimicry, creates a gap embedded in an unrecognized structure of ambivalence. In Jen’s Typical American, for instance, we encounter Ralph Chang, who chases the American dream through his attempts to build a fried-chicken empire, the “Chicken Palace.”Eventually, the franchise fails, and the first “a”falls off the “Chicken Palace”sign which becomes “Chicken P\_lace.”This falling off is the linguistic corollary to the gap in the American dream that Ralph unsuccessfully mimes. Perhaps it is in this gap—in this emptiness—that melancholia emerges and comes to inhabit. It is also where the negotiation between mourning and melancholia is staged. MOURNING/MELANCHOLIA/IMMIGRATION The structure of mimicry gestures to the partial success and partial failure to mourn our identifications with whiteness. Moreover, it also gestures to our partial success and partial failure to mourn our identifications and affiliations with Asian cultures. Thus far, we have been focusing on the loss of whiteness as an ideal structuring the assimilation and racialization processes of second- generation Asian Americans. However, the lost object can be multifaceted. Since the reformation of the Immigration and Nationality Act of 1965, demographically there are more first-generation Asian American immigrants living in the United States today than any other generations of Asian Americans (these patterns are shifting noticeably under globalization today, a topic of further discussion in part II). Examining Asian American experiences of exclusion from the mid-1990s, this chapter focuses on the second-generation offspring of these first-generation immigrants who at that time filled our classrooms and clinics. Hence, it focuses on the psychic dynamics of mourning and melancholia in relation to problems of immigration and intergenerational losses between first- and second-generation Asian Americans. Generationally, racial melancholia delineates a psychic process by which an intersubjective subject-subject relationship between mainstream and minority groups as well as between the first- and the second-generation Asian American parents and children becomes configured as an intrasubjective psychic predicament of loss and exclusion. The experience of immigration itself is based on a structure of mourning. When one leaves one’s country of origin—voluntarily or involuntarily—one must mourn a host of losses both concrete and abstract. These include homeland, family, language, identity, property, status in community—the list goes on. In Freud’s theory of mourning, one works through and finds closure to these losses by investing in new objects— in the American dream, for example. Our attention to the problematics of mimicry, performance, ambivalence, and the stereotype, as well as our earlier analysis of the legal history of exclusion and bars to naturalization and citizenship for Asian Americans, reveals a social structure that prevents the immigrant from fully assimilating into the American melting pot. From another perspective, it denies him or her the capacity to invest in new objects. The inability to invest in new objects, we must remember, is part of Freud’s definition of melancholia. Given the ways in which Asian American immigrants are foreclosed from fully assimilating into mainstream culture, are they consigned to a perpetually melancholic status? If so, how do we begin to address Freud’s notion of melancholia as pathological? Clearly not all Asian Americans are consigned to melancholy or depression. If this is the case, how do first-generation immigrants negotiate and mitigate their losses? How do their second-generation offspring inherit and inhabit these losses? If the losses suffered by first-generation immigrants are not resolved and mourned in the process of assimilation—if libido is not replenished by the investment in new objects, new communities, and new ideals—then the melancholia that ensues can be traumatically passed down to the second generation. At the same time, can the hope of assimilation and pursuit of the American dream also be transferred? If so, we might say that mourning and melancholia are reenacted and lived out by second-generation children in their own attempts to assimilate and to negotiate the American dream. Here, immigration and assimilation characterize a process involving not just mourning or melancholia but the intergenerational negotiation between mourning and melancholia. Configured as such, this notion begins to depathologize melancholia by situating it as the intersubjective unfolding and outcome of the mourning process that underwrites the various psychic investments and losses connected to the immigration experience. CASE HISTORY: ELAINE Let us turn to a clinical example. Elaine, a US-born Korean American female college student, grew up in Texas. Her father is a professor, and her mother is a homemaker. An academic dean referred Elaine to me (Dr. Han) in 1997 because she was at risk of failing her first year in college. In a tearful presentation, Elaine reported, “My parents have sacrificed everything to raise me here. If my parents had stayed in Korea, my mom would be so much happier and not depressed. She would have friends to speak Korean with, my father would be a famous professor, and we would be better off socially and economically. I wouldn’t be so pressured to succeed. They sacrificed everything for me, and now it’s up to me to please them, and to do well in school.”When asked the reasons for her academic probation, she responded, “I didn’t do well because at a certain point, I didn’t care anymore, about myself or anything else.” Elaine’s case is an illustration of an intergenerational transference between immigrant parents and a child that might be usefully described through the logic of racial melancholia. The loss experienced by the parents’failure to achieve the American dream—to achieve a standard of living and a level of social acceptance greater than what they could have putatively achieved in Korea— is a loss transferred onto and incorporated by Elaine for her to work out and to repair. In particular, Elaine reenacts these losses through her relationship with her mother. Elaine’s depression is a result of internalized guilt and residual anger that she not only feels toward but also identifies with in her mother. Through this incorporation, she also functions as the placeholder of her mother’s depression. This mother-daughter predicament has been widely debated in feminist circles.35 Here, the question is how race intersects and reconfigures what is considered a strongly gendered dynamic. This intersection of sexual and racial difference in first- and second- generation intersubjective conflict is a common narrative in Asian American literature as well. Numerous stories portray the first generation (and often the second generation) as being a lost generation—bereft, traumatized, with few material or psychic resources.36Is it, however, only at the moment in which the first generation acknowledges its disappointments and failure to achieve the American dream that this theme of first-generation sacrifice then emerges to be retroactively projected onto the second generation? In other words, are Asian American parents as completely selfless as the theme of sacrifice and ideals of Confucian filial tradition suggest, or is this idea a compensatory gesture that attaches itself to the losses, disappointments, and failures associated with immigration? Could the ambitions of Elaine’s father to become a professor in an American university have motivated the family’s immigration, or was it perhaps his inability to succeed in Korea—especially because of constraints on opportunities connected to various military conflicts during World War II and the ensuing Cold War? Sacrifice, it is important to remember, is built on the assumption of nonequivalence and the melancholic notion that what is forfeited and lost can never be recuperated. In turn, do children of immigrants “repay” this sacrifice only by repeating and perpetuating its melancholic logic—by berating and sacrificing themselves? But could sacrifice also be considered the displaced residue of hope— a hope for the repairing of melancholia, of achieving the American dream? Can hope, too, be transferred from parent to child, or from child to parent? Elaine’s case evokes Rea Tajiri’s moving documentary film History and Memory (1991).37 History and Memory is about a young Japanese American girl whose parents endure internment during World War II. Whereas the girl’s mother has repressed all memories of the internment experience, the daughter has nightmares that she cannot explain—recurring images of a young woman at a watering well. The daughter is depressed, and the parents argue over the etiology of her depression. Eventually, the daughter discovers that these nightmares are reenactments of the mother’s histories in camp. Ironically, the mother has history but no memory, while the daughter has memory but no history. For both mother and daughter, history and memory do not come together until the daughter visits the former site of the internment camp, Poston. There she realizes that it is her mother’s history that she remembers. Tajiri’s film is an eloquent disquisition on racial melancholia. It is a compelling example of the ways in which historical traumas of loss, grief, and forgetting are passed down from one generation to another unconsciously— how, as Freud remarks in his essay “The Unconscious”(1915), “the unconscious of one human being can react upon that of another, without passing through the conscious.”38The daughter’s psychic predicament illustrates Freud’s observation that the most difficult losses suffered in melancholia are unconscious ones, psychic forfeitures that cannot be properly grieved and for which Freud could offer no simple solution or remedy. Yet, at the same time, it also diverges from Freud’s conception of the disease insofar as it posits a theory of melancholia that is not individual but that is intergenerationally shared among members of a social group, Japanese American internees. It also departs from Freud’s definition of melancholia as pathology and permanence. Here, the hope for psychic health is stitched into the fabric of melancholia but only as an optative gesture that must be redeemed by subsequent generations. In contrast to Freud’s contention that melancholia is a classic intrasubjective psychic condition, Tajiri’s version of melancholia approaches this condition from a different perspective. It refines our theory of racial melancholia as a psychic state focused on bonds of displaced love and hate among a collective—an intersubjective collective— that might be addressed and resolved across generations. Indeed, in History and Memory the daughter’s return to Poston initiates an incipient healing process in her mother. In melancholia, the subject’s turning from outside (intersubjective) to inside (intrapsychic) threatens to render social history invisible. What is striking in both these examples, of Elaine and of History and Memory, is the manner in which the daughters’bodies and voices become substitutes for those of the mothers— not just the mothers’bodies and voices but also something that is unconsciously lost in them. To return to Freud, the melancholic “knows whom [s]he has lost but not what [s]he has lost in [her].”39Elaine’s narrative and the Japanese American daughter’s nightmares are not their own histories. These daughters have absorbed and been saturated by their mothers’losses. The mothers’voices haunt the daughters. These losses and voices are melancholically displaced from the external world of the social into the internal world of the psyche. The anger that these daughters feel toward the loved object is internalized as depression and anger toward the self. Freud’s essay reminds us that the reproaches against the self are, in fact, displaced reproaches against the loved object that have been shifted onto the individual’s own ego.40 In this respect, racial melancholia highlights a particular subject-object confusion, as it traces a trajectory from love to hate of the lost object, indeed orienting the production of racial hatred over love. In the course of moving from the outside world into the domain of the psyche, this hate is brought into the shelter of the ego, identified with the self, and subsequently transformed into self-hate. As such, the internal monologue that the daughters direct toward themselves should rightly be an external dialogue between daughter and mother —indeed, toward the larger social world around them. If racial melancholia traces the social exclusions of immigration, assimilation, and racialization as form of self-hate, how might we address the problem as a subject-subject relation, a subject-subject (com)plaint? In the Psychic Life of Power, Judith Butler writes, “The melancholic would have saidsomething, if he or she could, but did not, and now believes in the sustaining power of the voice. Vainly, the melancholic now says what he or she would have said, addressed only to himself, as one who is already split off from himself, but whose power of self-address depends upon this self-forfeiture. The melancholic thus burrows in a direction opposite to that in which he might find a fresher trace of the lost other, attempting to resolve the loss through psychic substitutions and compounding the loss as he goes.”41This turning from outside to inside threatens to erase the political bases of melancholia, and to obscure the history of the melancholic (racial) subject in relation to the subject of (racial) history, precisely as it configures hate as a displaced residue of love. To approach this dynamic from another angle, when Asian American students seek therapy, their mental health issues are overwhelmingly perceived as intergenerational familial conflicts. That is, they are often diagnosed as being exclusively symptomatic of cultural rather than social or political conflicts. By configuring Asian values and Confucian filial tradition as the exclusive source of all intergenerational dis-ease, a pathologized Asian culture comes to serve as an alibi for a panoply of mental health issues and symptoms.42 These predicaments may in fact trace their etiology not to questions of Asian cultural difference but rather to historical forms of institutionalized racism and economic exploitation—to the subject of (racial) history. The segregation of Asian American mental health issues into the domain of cultural difference covers over structural questions of institutional violence and inequality, as well as histories of whiteness as property, as they circulate both inside and outside the therapeutic space of the clinic. For instance, not to account for a history of Japanese internment and indefinite detention when analyzing Tajiri’s mother- daughter family conflict serves not only to repress and to deny this history but also to redouble and to intensify the source of the daughter’s melancholia and depression. Lowe writes in Immigrant Acts, “Interpreting Asian American culture exclusively in terms of the master narratives of generational conflict and filial relation essentializes Asian American culture, obscuring the particularities and incommensurabilities of class, gender, and national diversities among Asians. The reduction of the cultural politics of racialized ethnic groups, like Asian Americans, to first-generation/second-generation struggles displaces social differences into a privatized familial opposition. Such reductions contribute to the aestheticizing commodification of Asian American cultural differences, while denying the immigrant histories of material exclusion and differentiation.”43 A therapeutic process that solely attributes Asian cultural differences to intergenerational conflict may result in the failure to cure; even more, it may also serve to endanger further the mental health of the patient. CASE HISTORY: NELSON This discussion on intergenerational dilemmas of immigration and assimilation brings us to the related issue of mourning, melancholia, and language. Nelson, a first-generation Japanese American student who emigrated from Osaka to New Jersey when he was five, sought therapy with me (Dr. Han) in 1996, presenting chronic struggles with depression associated with racial conflict. Nelson is the eldest child and has two siblings, a brother and a sister, both of whom were born in the United States. Before Nelson entered school, his mother spoke only Japanese to the children. When Nelson started kindergarten, his teacher admonished his mother to replace Japanese with English at home if she wanted her children to assimilate and to become successful students. Despite the mother’s broken English, she followed the teacher’s instructions assiduously, speaking only English to her children. Nelson recounts a story that took place later in grade school. During a reading lesson, he mispronounced “crooked” as “crookd”(one syllable). His teacher shamed him publicly for his failed speech act—his failed act of mimicry —and demanded to know where he learned to mispronounce such a simple word. Nelson reluctantly replied that he learned this pronunciation from his mother. Nelson remembers, in particular, feelings of social embarrassment and shame from the ridicule of his teacher and classmates. What we learn about Nelson’s case history is that, although his original connection to the primary object (the mother) was through the Japanese language, this connection was interrupted by a foreign property, English. The mother’s poor mimicry of English severed and revised the earliest mother-child attachment, one brokered in Japanese. As such, Nelson could no longer mirror himself from his mother, in Japanese or in English. This estrangement from language, both native and foreign, is a double loss. Although acquiring a new language (English) should be perceived as a positive cognitive development, what is often not acknowledged sufficiently is the concomitant psychic trauma triggered by the loss of what had once been a safe, nurturing, and familiar language to the young child (Japanese). The loss of Japanese as a safe and nurturing object reveals another way to think about racial melancholia in relation to processes of immigration and assimilation. In Nelson’s case history, melancholia results not only from a thwarted identification with a dominant ideal of unattainable whiteness but also a vexed relationship to a compromised Japaneseness. Nelson’s situation reveals how on two fronts ideals of whiteness and ideals of Japaneseness are lost and unresolved. Here the problem of accent marks an impossible social compliance. In both instances, language is the privileged vehicle— the privileged property— by which standards of successful assimilation and failed integration are measured. In this sense, language itself might be thought of as a kind of property right and stereotype, demanding a flawless mimicry on the part of the young Nelson, whose failed performance leads him to shame and self-abasement at a crucial moment of social and psychic development. Nelson’s transition from Japanese to English is another example of the negotiation between mourning and melancholia in the immigration and assimilation process. That is, although he suffers a loss and revaluation of his mother tongue, his transition into the adopted ideal of the English language is anything but smooth. We need to emphasize that the shaming ritual to which the grade-school teacher subjected Nelson—one all too common in the Darwinian space of the classroom— is one that not merely makes his transition into English difficult but also demonizes and repudiates the mother (and the mother tongue and accent) at the same time. What was once a loved and safe object is retroactively transformed into an object of shame and insecurity. To the extent that the figure of the mother originally represents safe notions of “home,” Nelson’s estrangement from his mother, and from his mother tongue, renders her unheimlich— unhomely, unfamiliar, uncanny— a topic that critical race scholar Mari Matsuda has explored in her legal analyses of accent discrimination.44 The relationship between language, pedagogy, and assimilation into a mainstream national citizenry is examined also in a short story by Monique T. D. Truong. “Kelly”(1991) is about a young Vietnamese refugee, Thuy-Mai, who finds herself in the improbable space of a North Carolina classroom of 1975. Truong’s narrator composes a distressing epistolary monologue to her one and only (and now absent) friend from that dark period of her life, Kelly. In doing so, she reenacts the melancholic logic discussed above. That is, an intersubjective external dialogue meant for two parties is melancholically internalized and transformed into an intrasubjective monologue of one remarkable for its anger and solipsism. What is an epistolary, after all, other than an impassioned (but not necessarily answered) plea to the other? Truong’s narrator recalls their grade-school teacher: Kelly, remember how Mrs. Hammerick talked about Veteran’s Day? How about the Day of Infamy when the Japanese bombed Pearl Harbor? Mrs. Hammerick, you know, the mayor’s wife always had a sweet something surrounding her like she had spent too much time pulling taffy.... Kelly, you only knew that she liked the Beths and the Susans cause they wore pink and never bulged and buckled out of their shirt plackets. I was scared of her like no dark corners could ever scare me. You have to know that all the while she was teaching us history she was telling, with her language for the deaf, blind, and dumb; she was telling all the boys in our class that I was Pearl and my last name was Harbor. They understood her like she was speaking French and their names were all Claude and Pierre.45 Truong’s story expands our discussion of language and its performative effects on the constitution of good and bad national subjects. Here, Mrs. Hammerick’s common language for the “deaf, blind, and dumb”—a language from which Thuy-Mai is emphatically excluded—is used to create and then separate good students from bad students within the institutionalized space of the classroom. The Susans and the Beths, the Claudes and the Pierres, are all, as Louis Althusser would put it, “interpellated”by the mayor’s wife as good citizen- subjects of the classroom and nation-state.46 Truong emphasizes how education is a primary site through which narratives of national identity and belonging are established and reinforced through pedagogical compliance. At the same time, the Vietnamese refugee, Thuy-Mai, is pathologized as Asian enemy, dismissively labeled “Pearl Harbor,”erroneously conflated with the Japanese, and implicitly rendered a menace to the coherence and integrity of the US nation-state. Mrs. Hammerick is, of course, not literally speaking French (though Vietnam was of course colonized earlier by France), but Truong’s attention to language underscores the ways in which an unconscious discourse of colonialism and race, of national inclusion and exclusion, is circulated in the classroom. Furthermore, as Lowe points out, Mrs. Hammerick’s nationalizing tract is simultaneously a gendered discourse: “The narrator’s observations that the teacher’s history lesson addresses ‘all the boys’further instantiates how the American nationalist narrative recognizes, recruits, and incorporates male subjects, while ‘feminizing’and silencing the students who do not conform to that notion of patriotic subjectivity.”47 Racialized subjects, such as Nelson and Thuy-Mai, become “good”citizens when they identify with the paternal state and accept, as Lowe summarizes, “the terms of this identification by subordinating [their] racial difference and denying [their] ties with the feminized and racialized ‘motherland.’”48 In the following section, we turn to Melanie Klein’s theories of good and bad objects, of good and bad mothers and motherlands, to explore the politics of aggression and destructiveness, of guilt and reparation, as they configure the psychic limits of racial melancholia and expand on Freud’s account of loss and interminable mourning.

#### **Thus, the advocacy refuse Asian subject formation. Signifiers will always fail to bridge the gap between the real and symbolic, but self-negation makes the subject unfathomable in ideological edifice.**

Kim 2 (Chang-Hee Kim, The Fantasy of Asian America: Identity, Ideology, and Desire) 2009 //Nato

In Hegel’s Phenomenology of Spirit, Georg Hegel concentrates on the concept of struggle in the dialectical formation of subjectivity. His well-known dialectical division, the master vs. slave, is clearly indicative of their uneven relation. In Hegel, the freedom to gain the true sense of self is not the subject’s recognizing the objectified other in self-reflectivity; rather, that is its eliminating the other from itself to consolidate its hegemonic—whether master or slave—position and thus to become independent of the other permanently. Nonetheless, the Hegelian subject is aware that its dialectical positionality as either master or slave relies on the other, without which it cannot survive, realizing its ontological limitation as such. This is a critical moment when the ontological gap of the subject erupts, separating its becoming from its being. That is, the 44 subject as either master or slave can never be the other, for their relationship always remains ontologically distanced in the perpetual process of becoming. Yet the relationship between master and slave is different from that of the Adornian model in which both subject and other are objectively distinct in self-reflectivity. In Hegel, their distanced relationship is rather what evokes the desire and struggle for mutual identification not only to remove one from the other but also to become a free independent subject. Moreover, Hegel insists that the relationship take on one’s desire to dominate the other for the sake of its self-reliance, which nevertheless ends up impossible and incomplete in that it is suicidal. In the Hegelian dialectic, the master’s position is indebted to that of the slave insofar as the latter, i.e., the enemy, is what makes the former ontologically consistent in itself. In other words, the true sense of freedom for the subject in Hegel is to either become the enemy or eliminate it, either of which means the death of the subject. The Hegelian subject essentially attempts to carry out the “absolute negation” of the selves in a fashion to negate their own otherness in themselves and to “raise their self-certainty (about existing for-self) to truth in the ‘other’ as well as in themselves” (Hegel 55). Rather than pretend to remain objective and distanced in treating the other, the Hegelian subject strives to secure its identitarian position in light of the life-death struggle between master and slave. The eventual way to obtain freedom from its own ontological limitation that the subject cannot be in-andfor itself as a whole is paradoxically negating its positive being dependent on that of the other. This illustrates the subject’s death instinct towards “nothingness,” which makes our knowledge on the subject inexorably entangled in inconsistencies and contradictions. 45 In Hegel, the subject’s death instinct, an ontological abyss that remains unfathomable in its ideological edifice, is the only way to realize its “pure existence-for-self” (Hegel 55) Identity is apparitional in nature, for as discussed earlier, we all can become a/the “real Asian American” but never will be, and the resulting gap between our being and becoming is where the subject endlessly strives to secure its identitarian position in light of the life-death struggle against the other in-and-for itself. The realization of identity is its purist objectification in that, in neoliberal capitalism, identity is equivalent to a commodity imbued with a cultural capital of dual meanings: an owned property of the subject feeling happy (with no more work) and an alienated property of the subject feeling miserable (with endless work) as Karl Marx teaches us.16 In Race and Resistance, Viet T. Nguyen describes Asian American identity as the cultural capital of both accommodation and resistance in U.S. society, and it well explains the point I am making here (143-44): on the one hand, Asian Americans make a good relationship with the society that praises them as a model minority, as a civil subject fully assimilable to the mainstream; on the other hand, they make a bad relationship with the society that stereotypes their identity as a yellow peril, viciously alienating them from the mainstream. Asian American identity has its multiple meanings with an apparitional effect that changes the ontological meaning of its referent and at the same time, reduces them back to their archetype: Charlie Chan or the gook. While the identity acts as a conduit that connects Asian Americans with the society for their mutual understanding, this communicative sign always signifies itself as inconsistent, contradictory, and, as Nguyen puts it, “hypocritical” in representing Asian Americans as a whole. It is no wonder Nguyen observes that Asian Americans are facing the “crisis of representation over ideological diversity” in identity politics (9). Identity works as a vanishing mediator that connects the hegemonic system of ideological reality with the identitarian subject as the constituent of the former. Such a vanishing mediator as identity, through its apparitional as well as self-effacing effect, plays a role in maintaining the systematic order of the reality by transforming the preontological chaotic multitude, namely, individuals with identities, into, as Slavoj Žižek puts it, “the semblance of a positive objective order of reality” (Ticklish 158). The Hegelian dialectic shows that the subject comes to have its identity rendered apparitional and thus precarious. Simultaneously, the identity never completely sits itself apart from its proprietor because of its dialectical relationship with it, the subject, in terms of the life/death struggle, which makes the mutual gap never closed. This gap can be translated as a minimal void that prevents the subject from being, that is, fully getting identified with, its identitarian self, which potentially gives rise to the totalitarian racist subject: being fully identified as white, “the kind of men” who can kill Vincent Chin, or anyone with a darker skin, with impunity.

#### The ROB is to reject every instance of anti-asianness in the classroom – anything else normalizes violence

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NATIONAL MELANCHOLIA For Asian Americans and other people of color, suspended assimilation into mainstream culture may involve not only debilitating personal consequences; ultimately, it also constitutes the foundation for a type of national melancholia, a collective national haunting, with destructive effects. In Caucasia, the ambivalence characterizing the narrator’s passing into whiteness leaves her with the constant and eerie feeling of “contamination.”13 Writing about the nature of collective identifications, Freud notes in “Group Psychology and the Analysis of the Ego” (1921), “In a group every sentiment and act is contagious, and contagious to such a degree that an individual readily sacrifices his personal interest to the collective interest. This is an aptitude very contrary to his nature, and of which a man is scarcely capable, except when he makes part of a group.”14 Our analysis insists on a consideration of what happens when the demand to sacrifice the personal to collective interest is accompanied not by inclusion in—but rather exclusion from—the larger group. It reorients psychic problems of racial melancholia toward social problems concerning legal histories of whiteness as property and, in particular, exclusion laws and bars to naturalization and citizenship for Asian Americans as a type of property right. As we know, the formation of the US nation-state entailed—and continues to entail—a history of institutionalized exclusions, legal and otherwise. Part of our introduction focused on the transatlantic slave trade and indigenous dispossession. Here, it is vital to consider the long history of legalized exclusion of Asian American immigrants and citizens alike—from Japanese internment and indefinite detention during World War II to earlier exclusion acts legislated by Congress, brokered by the executive, and upheld by the judiciary against every Asian immigrant group.15 For example, from 1882 to 1943, Chinese immigrants experienced the longest legalized history of exclusion and bars to naturalization and citizenship—the first raced-based exclusions in US history. To cite but one specific instance, in 1888 the US Congress retroactively terminated the legal right of some twenty thousand Chinese residents to reenter the United States after visiting China. Those excluded from reentry were also barred from recovering their personal property remaining in the country, underscoring the ways in which race, citizenship, and property were simultaneously managed by the state to control and restrict flows of both Asian labor and capital. This law was followed by a series of further exclusion laws, as well as accompanied by legislative acts against miscegenation and the ownership of private property, culminating in the National Origins Act (1924) and the Tydings-McDuffie Act (1934), which effectively halted all immigration from Asia for an indefinite period. As Teemu Ruskola notes, at the very historical moment when “the United States was pleased to refer to its China policy as Open Door … it hardly escaped the Chinese that the door swung one way only.”16 Yet, in our multicultural and colorblind age, few people remember this history of racially motivated discrimination against Asian Americans that laid the legal foundation for the emergence of the figure of the “illegal immigrant” and of “alien citizenship” preoccupying so much of political debate concerning immigration today. This history of exclusion is barely taught in US universities or high schools—indeed, colorblindness and the model minority myth demand a forgetting of these events of group discrimination in the name of abstract equality and individual meritocracy. A return to this history thus expands our prior analyses of race as relation and whiteness as property to consider how the legal mechanisms of citizenship have broadly functioned as a kind of restricted property right. For Asian immigrants, these mechanisms have mediated a long history of social exclusion and inclusion in US law and society. Racial melancholia can be seen as one profound psychic effect marking these histories of legal exclusion from the nation-state and prohibitions from national belonging. Today, discourses of American exceptionalism and democratic myths of abstract equality and individualism demand a forgetting of these formative losses and exclusions, an enforced psychic amnesia that can return only as a type of repetitive national haunting—a type of negative or absent presence.17 The contemporary model minority stereotype that defines Asian Americans is both a product of—and productive of—this negative or absent presence.18 Asian American model minority discourse emerged in the postwar period after the lifting of legalized exclusion—in the wake of Cold War conflict, the US civil rights movements, and the reformation of the Immigration and Nationality Act (Hart-Celler Act) of 1965. The Hart-Celler Act abolished the earlier immigration quotas based on national origins at the heart of US immigration policy for nearly half a century, replacing it with a system of preferences focused on the technical skills of immigrants and on family reunification. It dramatically shifted immigration patterns to the United States and spurred a “brain drain” of settlers from Asia (and Latin America). At the same time, Hart-Celler also created a vast and largely unacknowledged force of low-income and undocumented migrants from South Asia, new areas of China, particularly Fujian province, and Southeast Asia. This “yellowing” of the US nation-state reversed a long history of anti-Asian exclusion precisely under the banner of model minority citizenship and the collective forgetting of this history of exclusion and its unauthorized subjects. The model minority myth identifies the academic success of second-generation Asian American immigrant children as dispositive of the United States as a land of equal opportunity free of racial discrimination or distress. Thereby, it functions as a national tool that manages and erases a long history of institutionalized exclusion by characterizing Asian American success precisely as the result—rather than something that occurred despite the lack—of equal opportunity in the United States. In turn, the deployment of the model minority myth configures the unequal status of African Americans in US culture and society as a self-inflicted injury. Resisting the invidious political juxtaposition of Asian American “success” with African American “failure,” comparative race scholars have sought to reformulate this regulatory dialectic. Over a hundred years ago, W. E. B. Du Bois asked African Americans in The Souls of Black Folk (1903), “How does it feel to be a problem?”19 Today, comparative race scholars have revised Du Bois’s earlier inquiry, asking Asian Americans, “How does it feel to be a solution?”20 (We return to this dynamic in detail is chapter 3 on parachute children and psychic nowhere.) Put in terms of comparative race relations, Ellen Wu observes that during the prewar era of exclusion and yellow peril, Asians were defined as definitely not white. However, following the postwar era of inclusion, citizenship, and the emergence of model minority stereotype, Asians were defined as definitely not black.21 Understanding this triangulation is key to apprehending the ways in which racial binaries of black and white mask complex social relations of race while preventing political coalitions and alliances. Effacing unequal histories of racial discrimination, this divide and conquer strategy emerges most forcefully today in contemporary debates about affirmative action that seek to pit the interests of African Americans and Asian Americans against one another. The model minority stereotype is a myth because it homogenizes widely disparate Asian American and Asian immigrant groups by generalizing them all as academically and economically successful, with no social problems to speak of. In this manner, the stereotype works to deny, in Lisa Lowe’s words, the “heterogeneity, hybridity, and multiplicity” of various Asian American individuals and groups who do not fit its ideals of model citizenry.22 The pervasiveness of the model minority stereotype in our contemporary national imagination thus works as one important melancholic mechanism facilitating the erasure and loss of repressed Asian American identities as well as histories of discrimination and exclusion. These identities and histories can return only as a type of ghostly presence. In this sense, the Asian American model minority subject also endures in the US historical imaginary as a melancholic national object—as a haunting specter to democratic ideals of inclusion that cannot quite get over these legislated histories of loss. The psychic consequences that this model of national melancholia has exacted on the Asian American psyche are extensively explored and interrogated in Asian American cultural productions. One compelling example comes from Maxine Hong Kingston’s China Men (1980). In Kingston’s historical novel, an imaginary chronicle of several successive generations of male ancestors in the United States, the narrator speculates about the disappearance of the “Grandfather of the Sierra Nevada Mountains.” After he helps to complete the transcontinental railroad, the greatest technological feat of ﻿the nineteenth century, Ah Goong vanishes. Kingston writes, “Maybe he hadn’t died in San Francisco, it was just his papers that burned; it was just that his existence was outlawed by Chinese Exclusion Acts. The family called him Fleaman. They did not understand his accomplishments as an American ancestor, a holding, homing ancestor of this place.”23 Kingston understands that the law’s refusal to recognize Chinese immigrants as citizens “outlaws” their existence, subjecting them to legal erasure as well as institutional violence: “It was dangerous to stay,” she observes in the context of the “Golden Spike” ceremony commemorating the railroad’s completion. “The Driving Out had begun. Ah Goong does not appear in railroad photographs.”24 At the same time, Kingston also underscores how this historical repudiation of the Asian laborer gains its psychic efficacy through a simultaneous internalization of its interdictions on the part of those excluded themselves. That is, the grandfather’s own family members refuse to recognize him as “an American ancestor, a holding, homing ancestor of this place.” They cannot perceive the “Fleaman’s” accomplishments building the transcontinental railroad as legitimizing his membership in the American nation. How, in turn, can it be possible to see themselves as legitimate members of this society? In this regard, racial melancholia can be described as splitting the Asian American psyche. This cleaving of the psyche can be productively thought about in terms of an altered, racialized model of classic Freudian fetishism.25 That is, assimilation into the national fabric demands a psychic splitting on the part of the Asian American subject who knows and does not know, at once, that she or he is part of the larger social body. In the same breath, fetishism also describes mainstream society’s disavowal and projection of otherness onto a disparaged group that is then homogenized and reduced to a stereotype. In this manner, racial fetishism delineates a psychic process by which difference is assumed and projected and then negated and denied, returning us to social dynamics of Myrdal’s “American dilemma.”

## Case

#### Pre post fiat distinction

#### Weigh the reps of the aff

#### No 1AR Theory or Perfcons – a] Resolvability: Either you auto accept all responses to 2NR standards and they auto win since I can't respond, or you intervene to give 2AR credence b] Structural skew: 7-6 time 2-1 speech skew for offense favors the Aff who speaks first and last and set the stage with a persuasive advantage c] No infinite abuse: 1NC is 7 minutes and 1AC spikes check

#### Fairness not a voter

#### 1] its inevitable bc of different coach and access to prep

#### 2] not quantifiable, no bright line to how much fairness will trigger your ballot

#### UTIL S A REASON FOR YOU TO LOSE

#### Because only consequences determine if specific actions are good or bad, utilitarianism justifies horrific conclusions since no state of affairs could ever be intrinsically bad in and of itself. Vallentyne 6

Vallentyne, Peter. Against Maximizing Act-Consequentialism. 2006, mospace.umsystem.edu/xmlui/bitstream/handle/10355/10174/AgainstMaximizingActConsequentialism.pdf?sequence=1.

**If core consequentialism is true, then any action with maximally good consequences (in a given choice situation) is permissible**. The main argument in favor of this claim is the following: **P1: An action is morally permissible if it is best supported by insistent moral reasons for action. P2: The value of consequences is always an insistent moral reason for action.** **P3: The value of consequences is the only insistent moral reason for action. C: Thus, an action is morally permissible if it maximizes the value of consequences**. This is the same argument given in the previous section for the impermissibility of actions that do not have maximally good consequences, except that (1) **the appeal to insistent reasons has been made explicit, (2) the necessary conditions of the original P1 and C have been converted to sufficient conditions, and (3) the qualification in P3 that allowed the possibility of some prior constraints has been dropped. P1 is highly plausible. An action that is best supported by insistent moral reasons is surely permissible. P2 can be challenged, a**s I did earlier, on the ground that beyond some point the value of consequences ceases to be an insistent moral reason (once consequences are good enough, their value may only be a non-insistent reason). For the present purposes, however, we can grant this claim. The crucial claim is P3. It is implausible, because there are insistent moral reasons other than the value of consequences. There are also deontological insistent reasons, and these, or at least some of these, are lexical prior to the value of consequences. In particular, **individuals have certain rights that may not be infringed simply because the consequences are better.** Unlike prudential rationality, morality involves many distinct centers of will (choice) or 15 interests, and these cannot simply be lumped together and traded off against each other.16 **The basic problem with standard versions of core consequentialism is that they fail to recognize adequately the normative separateness of persons.** Psychological autonomous beings (as well, perhaps, as other beings with moral standing) are not merely means for the promotion of value. **They must be respected and honored**, and this means that at least sometimes certain things may not be done to them, even though this promotes value overall. **An innocent person may not be killed against her will, for example, in order to make a million happy people slightly happier. This would be sacrificing her for the benefit of others.**

#### Accessibility is a voting issue---Warrant why if debate wasn’t accessible people wouldn’t do it, and also we intuivley racism is bad.

#### drop the debater—Racist arguments make ppl feel unsafe in debate, so u should lose 4 being racist, reading things like a kant AC solves for engagement.

#### The affirmative greenlights themselves as the moral savior but hides a history of imperialism – the 1ACs reform is empty and coopted by capitalist imperialist logic which justifies colonialism and reinforces racial difference.

Vanni 21 [Amaka; Dr. Vanni joined the School of Law in September 2020 as a Lecturer in Law. Her main area of research is international economic law, with a focus on intellectual property law, international trade law, global economic governance, law and development. Dr. Vanni obtained both her PhD and LLM degrees in International Economic Law from the University of Warwick, where her doctoral thesis was awarded the 2018 SIEL–Hart Prize in International Economic Law. She has BA(Hons) in International Relations and Politics from Keele University, where was awarded the Vice-Chancellor Partial Scholarship (2004-2007). Dr. Vanni currently teaches the undergraduate and postgraduate modules in intellectual property law. She is the current president of the African International Economic Law Network (AfIELN), editor of the African Journal of International Economic Law and a contributing editor of Afronomicslaw.org, the leading blog on the International Economic Law landscape as it relates to Africa and the Global South. Dr. Vanni is also a member of the IEL Collective, and a theme lead on philanthropic and social financing for the New Frontiers in International Development Finance (Nef Def) project, a multi-institutional collaborative effort. Research interests Dr. Vanni’s research interests lie at the intersection of international economic law (IEL), law and development, global political economy, and global governance. Dr. Vanni’s research adopts critical analysis, empirical methods and sociolegal approach in her examination and study of IEL, particularly intellectual property. As a result, her work focuses on the constitutive power of international economic law, norms, and practices to affect social relations and everyday life, especially in the developing world where this impact is felt more starkly. Her work is also attentive to how various actors (both state and non-state) and local culture interact with IEL. Dr. Vanni’s award winning book ‘Patent Games in the Global South: Pharmaceutical Patent Law-Making in Brazil, India and Nigeria’ (Hart, 2020) provides fresh theoretical insights into global intellectual property regimes with focus on the role of history, social networks and how relationships between a variety of actors shape the framing of, and subsequently the responses to, national implementation of international patent law. Further publications focus on pharmaceutical patent and access to medicines, the growing influence of global philanthropic actors in international economic regimes, and IP & technology start-ups in emerging markets; “On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism,” Twail Review; 3/23/21; <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>] Justin

Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### Companies will just obtain a patent in a different sector.

Thomas 15 [John R; Visiting Scholar, CRS; “Tailoring the Patent System for Specific Industries, Congressional Research Service,” CRS; 2015; <https://crsreports.congress.gov/product/pdf/R/R43264/7>] Justin

In view of the concerns noted above, commentators have gone so far to say that “it has become increasingly difficult to believe that a one-size-fits-all approach to patent law can survive.”75 To the extent the current patent system creates a blanket set of rules that apply comparably to distinct industries, it likely over-encourages innovation in some contexts and under-incentivizes it in others.76 Further, some observers have asserted that the need of firms to identify and access the patented inventions of others may differ among industries.77 As a result, the case can be made that distinct industrial, technological, and market characteristics that exist across the breadth of the U.S. economy compel industry-specific patent statutes. However, others have questioned the wisdom and practicality of such line-drawing.78 The following concerns, among others, have been identified:

• Over its long history, the U.S. patent system has flexibly adapted to new technologies such as biotechnology and computer software. Legislative adoption of technology-specific categories may leave unanticipated, cutting-edge technologies outside the patent system.79

• Defining a specific industry or category of technologies may prove to be a contested proposition.

80 • Over time, new industries may emerge and old industries may consolidate. The dynamic nature of the U.S. economy suggests greater need for legislative oversight within a differentiated patent regime.

81 • Even if an industry or technology remains relatively stable, the innovation environment within it might change. For example, technological or scientific advances might open new possibilities for research and development within hidebound industries—but also increase expense and risk for those firms.

82 • Distinct patent rights among industries or technologies may lead to strategic behavior on behalf of patent applicants. For example, a computer program that controls a fuel injector within an automobile could possibly be identified as either an automobile-related or a computer-related invention.

83 •The legislative effort to enact sector-specific patent laws may provide an opportunity for politically savvy firms to exert more lobbying and political power, at the possible expense of less sophisticated firms.