### 1

#### Counterplan Text: Do the AFF through WeChat

#### WeChat solves better – empirics and accessible to Asians

Wong 18 Wong, Alia. “The Atlantic.” The Atlantic, theatlantic, 20 Nov. 2018, www.theatlantic.com/education/archive/2018/11/asian-americans-wechat-war-affirmative-action/576328/. Accessed 24 Sept. 2021. //Nato + Lydia

OiYan Poon stumbled upon WeChat largely by accident. Poon is a professor at Colorado State University who studies the racial politics of higher education. For years she had consistently found that most Asian Americans supported affirmative action, but in 2014, something surprised her: A fledgling network of politically savvy Asian Americans had derailed [a Democrat-backed ballot initiative](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0001-0050/sca_5_bill_20121203_introduced.pdf) in California that would’ve rescinded the state’s long-standing ban on race-conscious admissions. These activists—with their loud, recurring demonstrations, scathing op-eds, [pro-Republican canvassing](https://docs.google.com/document/d/1oCT2USKCn2wWF3ofcYbs5I_o7fUeZ95KClsmqgHNqz8/edit), and roundtable discussions on Chinese-language talk shows—had materialized unexpectedly, at least to Poon. Determined to learn more, Poon in 2016 took to her typical research methods—convening a team of students and colleagues to help her pore through court filings, news stories, social-media posts, and the like—in an effort to track these dissenters down. But the few activists who did have an online footprint didn’t respond to Poon’s inquiries. The professor continued to flounder until she took the advice of an acquaintance and opened an account on WeChat, the popular messaging app based in China. The virtual gathering place was a hub for these activists. Once comprising a relatively small, California-centric group of well-educated Chinese immigrants, this network of activists has connected like-minded people across the country, many of whom are part of separate groups all campaigning against affirmative action—including the organization behind the pending federal lawsuit accusing Harvard of anti-Asian discrimination, as well as a group that [recently filed](https://www.chronicle.com/article/Who-Else-Will-Get-Sued-Over/245109) a lawsuit against the University of California in pursuit of admissions and enrollment data. The activists’ growing savvy and resulting sway, however, contradict the narrative painted by public-opinion data, which consistently show that most Asian Americans support affirmative action. So why was it that these activists had managed to dominate headlines and distort the narrative around Asian Americans and their relationship with race-conscious admissions? The answer to that question, Poon may have inadvertently discovered, could be found in WeChat. “There was no such mobilization [among the Chinese American] community before WeChat happened,” says Steven Chen, a Los Angeles–area computer engineer who immigrated to the United States from mainland China in the late 1980s in pursuit of a graduate degree. Text messages and phone calls are WeChat’s bread-and-butter functions, but the app does a lot more: People can hail taxis or share car rides, exchange money, order takeout, and shop online, among a litany of other mundane tasks and interactions. A smartphone’s WeChat widget, in other words, is kind of like a portal into a sea of more widgets; iMessage, Skype, Uber, Venmo, and so on, all in one place. Every day, according to company data, an average of more than 900 million people [use the app](https://blog.wechat.com/2017/11/09/the-2017-wechat-data-report/), many of them utilizing its various social-networking functions to engage with folks they’ve never met in person. One Chinese American immigrant I spoke with, Jing Liu, told me that she had met most of her present-day friends through the app. “WeChat is a monster,” says Janelle Wong, a political scientist and professor of Asian American studies at the University of Maryland. “There’s nothing like it on Earth.” Launched in 2011, WeChat first gained traction among immigrants who used it to stay in touch with relatives and keep up on current events in mainland China. In the years since, the app has taken on a life of its own in the United States, becoming what Chen has described as a “[virtual Chinatown](https://medium.com/@crwstrategy/an-elephant-in-a-china-shop-d69c6fccf944).” In reflecting on the app’s reach in the U.S., Chi Zhang, a doctoral student at the University of Southern California who studies WeChat, pointed to its function as a form of ethnic media. By connecting Chinese American immigrants to their homeland and by providing them the kinds of culturally relevant news tidbits seldom covered by mainstream American news outlets, she says, it “fosters their collective memory of their political struggles.” But, Zhang notes, WeChat also helps bridge the Chinese American community with broader U.S. society; it’s the place these immigrants go to stay abreast of everything from Supreme Court developments to the goings-on of their city council. In this sense, WeChat allows Chinese American users to feel at once more Chinese and more American. And this dual empowerment helped enable the Chinese American uprising against affirmative action. A growing body of survey data shows that Chinese Americans—the United States’ [largest](http://aapidata.com/stats/national/national-detailed-origin-aa-aj/) Asian ethnic group—are almost single-handedly responsible for what’s been affirmative action’s slight decline in popularity among Asian Americans as a whole. In a 2012 [AAPI Data](http://aapidata.com/) survey, close to 80 percent of Chinese respondents said they favored policies that promote better access to higher education for black students and other minorities; by 2016, the number was roughly half that. Interestingly, that reversal was driven by Chinese Americans who were born abroad, according to Wong. Crunching the numbers from another survey, Wong found that among respondents who said they had an opinion (a significant portion did not), the amount of support among immigrants from China was more than 20 percentage points less than that of U.S.-born Chinese Americans. The Chinese Americans driving this movement are highly educated, many of them with an undergraduate degree in a stem field from one of China’s extremely competitive universities and having arrived in the U.S. with the help of [selective-recruitment immigration](https://www.washingtonpost.com/business/2018/07/12/this-racial-group-has-biggest-fastest-growing-income-divide/?utm_term=.fc8073db6e7b) policies. These educational and immigration experiences tend, in turn, to shape their attitudes about college-admissions policies. While Wong and other scholars cautioned against buying into model-minority stereotypes, activists regularly cited such traits in explaining their fervent opposition to affirmative action. For example, Crystal Lu, an affirmative-action opponent who immigrated to the U.S. in 1999, says that in Chinese culture “there are no shortcuts” for doing well academically or otherwise. Lu received a master’s degree in journalism from Stanford and today is president of the Silicon Valley Chinese Association Foundation. “We truly believe that education is the one single enabler for social mobility,” she told me, “and with that philosophy our children … [learn to] think about the long term and forget about the short-term pleasures like watching TV, playing games, and going to parties.” Many of her fellow activists have generally conservative political views and support Donald Trump, whose administration is [investigating](https://www.wsj.com/articles/u-s-opens-probe-into-whether-yale-university-discriminates-against-asian-americans-1537980075) allegations against Yale similar to those at the center of the Harvard lawsuit. “We realized our American dream, our aspiration to move up the social ladder, was being stripped away,” Lu says. “If we do not fight, then our whole cultural heritage collapses … That’s heartening to see—that this group that had been really [politically] apathetic, really quiet, is stirred and provoked and stimulated, and started to do something that’s completely opposite to their nature.” Is WeChat just where these people happened to be, and so that’s the tool they used? Or is there something specific about how this app works that amplified and expanded this movement? WeChat did not respond to numerous requests for comment. But virtually everyone I interviewed for this story agreed that this movement wouldn’t be where it is today—a well-organized network of activists with leaders in every major U.S. city that has garnered widespread media coverage and is poised to bring affirmative action back to the Supreme Court—if it weren’t for WeChat. Why? A key reason has to do with the way in which information travels within WeChat’s confines. As long as she fulfills [a very basic set of criteria](https://walkthechat.com/wechat-official-account-simple-guide/), pretty much any casual user can be approved as an “official account,” [becoming her own news-media outlet](https://www.cjr.org/tow_center/wechat-misinformation.php) and generating unique content or aggregating information from other sources. Much of that information is disseminated via [closed chat groups](https://chinachannel.co/how-to-manage-your-wechat-groups-wechat-essential-tips/), where as many as 500 members each discuss a wide array of topics, including the Harvard suit and college admissions. The result is, to borrow Zhang’s words, a “self-contained news ecosystem” that at its best builds and bridges communities and at its worst breeds echo chambers and facilitates the spread of misinformation. As private gathering places, the groups rely on gatekeepers who effectively foster tribes—ideological safe spaces that can intensify emotions around a sensitive issue. According to Zhang and other observers, this emotional underpinning combined with the limited scrutiny of official accounts allows extreme viewpoints to spread. I reviewed a number of conversations in WeChat groups whose focus includes affirmative action and found that in some of them antiblack racism was common, as was vitriol toward members who pushed back against the dominant beliefs of the group. Such commentary often included misinformation, such as unfounded accusations that Ivy League institutions have Asian quotas. [Read: “The model minority” at the country’s top-ranked universities](https://www.theatlantic.com/education/archive/2015/09/university-california-top-rankings-asian-students/407080/) The fact that the affirmative-action debate is so emotional, however, also reveals the limitations in attributing to WeChat the current state of Chinese American political engagement. WeChat is simply “a tool” that enabled the movement to spread beyond the core coalition of activists whose political views long preceded the app, says Jack Ouyang, the vice president of the [Asian American Coalition for Education](http://asianamericanforeducation.org/en/home/), the now-vast network of affirmative-action opponents that drove the 2014 crusade in California. From her vantage point as an expert on WeChat as a vehicle for political mobilizing, Zhang, who hasn’t yet figured out what her stance on affirmative action is, echoed Ouyang’s point. “Especially at this moment, there’s a real sense that Chinese Americans who otherwise are pretty invisible … could change the direction that the country is heading, and that itself is very energizing,” Zhang says. “So I think there is a certain energy and momentum that people who oppose affirmative action are latching on to.” Simply put: Activists were already on WeChat, so that’s where they leveraged their existing energy and momentum. Had they dedicated more of their organizing to Facebook, the same could have happened there. “WeChat’s impact has to be understood as an information environment as a whole—it’s kind of like a fishbowl in which you have these different narratives that kind of cohere together, one of which is the neglect and marginalization of Chinese Americans,” Zhang says. When she tries to put herself in the shoes of one of these activists—say, someone who immigrated to the U.S. relatively recently and isn’t familiar with the history of racial oppression in the country—she can see why they have taken to this cause. It’s easy to see how that person might feel especially provoked if she herself feels she was held to higher standards in her pursuit of college admission or a good job. “I don’t see how they would support affirmative action,” Zhang says, “without significant persuasion otherwise.”

#### Framing issue – they don’t get a permutation:

#### (a) even if you can conceive of or prefer a world with both the aff and the CP or alternative, view it as artificially distinct as its necessary to fully flesh out the intricacies of both methods so you should hold them to their method being different as its also the only way to create concrete and nuanced proposals,

#### (b) it’s a methods debate – you should hold them to the method they defended in the 1AC by itself since anything else justifies and endorses severance which endorses bad scholarship as it should be a debate of my method versus yours, and

#### (c) perms justify infinite aff conditionality – allowing permutations allow the aff reading infinite new advocacies in the 1AR which skews 7 mins of the 1NC and destroys neg ground.

### 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.**

### 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 up the gap, and thus secures the discursive certainty of a community in which the ideological transparency of a hegemonic discourse comes true.

#### Asian women are always forced to choose between cultural identity and gender collectivity – the Aff tries to separate the feminine viewed Asian men from the rest which pits us against ourselves.

Kim 09 (Chang-Hee Kim, The Fantasy of Asian America: Identity, Ideology, and Desire) 2009 //Nato + lydia

On the one hand, Jinqi Ling’s critical allegiance to the Aiiieeeee! editors in light of anti-racist defiance is, in a broader perspective, aligned with the counterculture movement of the black protest; on the other hand, his oppositional position as such becomes an easy target for feminist critics such as Laura H. Y. Kang. In her 2002 Compositional Subjects, Kang claims that Ling’s defense of the nationalist formation of Asian America appears to attack feminism as a betrayal of ethnic communality based on a unified antiracist project. She continues that in such a nationalist discourse, as motivated by an antiracist resistance to assimilationist pressures, Asian American women are always “forced to choose between familial and sexual alliances or between gender collectivity and Asian cultural identity” (57). It is in fact intriguing to see the debate on the legitimacy of Asian American identity pass into a war of position in gendered terms. Why is it that the gender struggle in Asian American literary studies becomes so obvious when it comes to the debate over the legitimacy of Asian America while continuously remaining unresolved? Kang finds an answer to the question in the lost male authority of Asian American men under the rule of white racist America, and considers it the ideological core of the imagined nation of Asian America, which is something deployed to solidify the nationalist construction of Asian American subjectivity: “Deprived of the rewards of patriarchal legitimacy, some Asian American men have responded by attempting to reassert male authority over the cultural domain and over women by subordinating feminism to nationalist concerns” (55). Certainly, there is a great amount of anxiety embedded in the dialectical war of position between both nationalist and feminist critics in response to the identitarian construction of Asian America. On the one hand, the anti-assimilationism of the former argues for a political necessity of maintaining the identity-based politics of Asian America despite its obvious shortcomings. On the other hand, the strategic essentialism of the latter supports the postmodernist idea of hybridity, heterogeneity, and multiplicity to free Asian American subjects from the monolithic framework of identity-based Asian America, which they contend furthers uneven relations and stratifications intra-racially. On the whole, the pluralistic point of view of the latter has increasingly gained predominance over the other; moreover, as mentioned earlier, this war of position in Asian American studies is articulated tendentiously in a gendered binary of masculine nationalism vs. feminist pluralism. It is positively indisputable that notions such as identity politics and cultural nationalism are regarded as obsolete and even inappropriate to the contemporary trend of ethnic studies scholarship which is ideologically slanted to the leftist political view in contemporary academia. In effect, cultural nationalist ideas rather simplistically tend to situate heterogeneous members of Asian America in the arbitrary and contingent framework of real and fake, authentic and assimilated, good and bad, etc. As Viet T. Nguyen points out in his 2002 Race and Resistance, the outmoded binary that began at the birth of the idea of Asian America in the 1960s as to how to define Asian Americans as either “model minorities” or “bad subjects” still haunts the contemporary scholarship of Asian American studies.

#### 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 NC - 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.

#### **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

**Eng & Han 2**, DAVID L. ENG & SHINHEE HAN [David L. Eng is Richard L. Fisher Professor of English as well as Graduate Chair of the English Department at UPenn. He is also Professor in the Program in Asian American Studies, the Program in Comparative Litera Racial Castration: Managing Masculinity in Asian America (Duke University Press) as well as the Coeditor (with Alice Y. Hom) of Q&A: Queer in Asian America (Temple University Press, 1998). His current project is a co-edited collection (with David Kazanjian) entitled Loss: Mourning and Melancholia in the Twentieth Century. Shinhee Han, C.S.W., is a psychotherapist at the Counseling & Psychological Services of Columbia University. She is a doctoral candidate in the Shirley M. Ehrenkranz School of Social Work at New York University and maintains a private practice in New York City.], RACIAL MELANCHOLIA, RACIAL DISSOCIATION: On the Social and Psychic Lives of Asian Americans, DUKE UNIVERSITY PRESS, Durham and London, 2019, ghs//BZ Recut/Tagged Nato

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

**Reject 1AR theory:**

**[1] The 1NC is reactive, so if the 1NC is abusive it was because the 1AC was abusive.**

**[2] Moots 7 minutes of neg offense because you get to collapse to the highest layer.**

**[3] You can read 6 no risk shells and collapse to the one that is conceded.**

**[4] You get 7 minutes in the 1AR and 2AR to crystallize theory.**

**[5] You get a 2AR to crystallize is issues while I don’t have a 3NR**

#### Durable Fiat Bad

#### 1] kills neg strat, allows the aff to fiat out of solvency deficits. reading evidence for why countries follow the aff solves.

#### 2] It's not real world, policies face resistance. Durable fiat allows us to ignore actual disputes that occur.

#### 3] a core question of trade policy is whether couintries comply and what happens when countries resist wto rulings. Their model sidesteps that discussion.

#### 4] durable fiat just means the policy passes and that it doesn't get rolled back. It does not mean everyone magically abides by that policy.

#### 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.