### 1

#### CP text: The member nations of the world trade organization should

#### ---exclude patent applications for medicines based on Indigenous knowledge from patentability except for claims filed by Indigenous people.

#### ---establish an international legal instrument to protect indigenous intellectual property

#### That is in line with indigenous demands.

**WIPO no date** WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," No Publication, <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU> SJ//DA

The current international system for protecting intellectual property was fashioned during the age of industrialization in the West and developed subsequently in line with the perceived needs of technologically advanced societies. However**, in recent years, indigenous peoples, local communities, and governments, mainly in developing countries, have demanded equivalent protection for traditional knowledge systems. In 2000, WIPO members established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and in 2009 they agreed to develop an international legal instrument (or instruments) that would give traditional knowledge, genetic resources and traditional cultural expressions (folklore) effective protection. Such an instrument could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.** Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. As such, it is not easily protected by the current intellectual property system, which typically grants protection for a limited period to inventions and original works by named individuals or companies. Its living nature also means that “traditional” knowledge is not easy to define. **Recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.** This would make it possible, for example, to protect traditional remedies and indigenous art and music against misappropriation, and enable communities to control and benefit collectively from their commercial exploitation. Although the negotiations underway in WIPO have been initiated and propelled mainly by developing countries, the discussions are not neatly divided along “North-South” lines. Communities and governments do not necessarily share the same views, and some developed country governments, especially those with indigenous populations, are also active. Two types of intellectual property protection are being sought: **Defensive protection aims to stop people outside the community from acquiring intellectual property rights over traditional knowledge. India, for example, has compiled a searchable database of traditional medicine that can be used as evidence of prior art by patent examiners when assessing patent applications. This followed a well-known case in which the US Patent and Trademark Office granted a patent (later revoked) for the use of turmeric to treat wounds, a property well known to traditional communities in India and documented in ancient Sanskrit texts. Defensive strategies might also be used to protect sacred cultural manifestations, such as sacred symbols or words from being registered as trademarks.** Positive protection is the granting of rights that empower communities to promote their traditional knowledge, control its uses and benefit from its commercial exploitation. Some uses of traditional knowledge can be protected through the existing intellectual property system, and a number of countries have also developed specific legislation. However, any specific protection afforded under national law may not hold for other countries, one reason why many indigenous and local communities as well as governments are pressing for an international legal instrument. WIPO’s work on traditional knowledge addresses three distinct yet related areas: traditional knowledge in the strict sense (technical know-how, practices, skills, and innovations related to, say, biodiversity, agriculture or health); traditional cultural expressions/expressions of folklore (cultural manifestations such as music, art, designs, symbols and performances); and genetic resources (genetic material of actual or potential value found in plants, animals and micro-organisms). Although for many communities traditional knowledge, genetic resources and traditional cultural expressions form part of a single integrated heritage, from an intellectual property standpoint they raise different issues and may require different sets of solutions. In all three areas, in addition to work on an international legal instrument, WIPO is responding to requests from communities and governments for practical assistance and technical advice to enable communities to make more effective use of existing intellectual property systems and participate more effectively in the IGC’s negotiations. WIPO’s work includes assistance to develop and strengthen national and regional systems for the protection of traditional knowledge (policies, laws, information systems and practical tools) and the Creative Heritage Project which provides hands-on training for managing intellectual property rights and interests when documenting cultural heritage. Traditional knowledge When community members innovate within the traditional knowledge framework, they may use the patent system to protect their innovations. However, traditional knowledge as such - knowledge that has ancient roots and is often informal and oral - is not protected by conventional intellectual property systems. This has prompted some countries to develop their own sui generis (specific, special) systems for protecting traditional knowledge. There are also many initiatives underway to document traditional knowledge. In most cases the motive is to preserve or disseminate it, or to use it, for example, in environmental management, rather than for the purpose of legal protection. There are nevertheless concerns that if documentation makes traditional knowledge more widely available to the general public, especially if it can be accessed on the Internet, this could lead to misappropriation and use in ways that were not anticipated or intended by traditional knowledge holders. At the same time, documentation can help protect traditional knowledge, for example, by providing a confidential or secret record of traditional knowledge reserved for the relevant community only. **Some formal documentation and registries of traditional knowledge support sui generis protection systems, while traditional knowledge databases - such as India’s database on traditional medicine - play a role in defensive protection within the existing IP system. These examples demonstrate the importance of ensuring that documentation of traditional knowledge is linked to an intellectual property strategy and does not take place in a policy or legal vacuum.** In the WIPO talks, many argue that use of traditional knowledge ought to be subject to free, prior and informed consent, especially for sacred and secret materials. However, others fear that granting exclusive control over traditional cultures could stifle innovation, diminish the public domain and be difficult to implement in practice. Genetic resources Genetic resources themselves are not intellectual property (they are not creations of the human mind) and thus cannot be directly protected as intellectual property. However, inventions based on or developed using genetic resources (associated with traditional knowledge or not) may be patentable or protected by plant breeders’ rights. In considering intellectual property aspects of use of genetic resources, WIPO’s work complements the international legal and policy framework defined by the Convention on Biological Diversity (CBD), and its Nagoya Protocol, and the International Treaty on Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization. Issues under discussion at WIPO include: Defensive protection of genetic resources: This strand of the work aims at preventing patents being granted over genetic resources (and associated traditional knowledge) which do not fulfil the existing requirements of novelty and inventiveness. In this context, to help patent examiners find relevant prior art, proposals have been made that genetic resources and traditional knowledge databases could help patent examiners avoid erroneous patents and WIPO has improved its own search tools and patent classification systems. The other, more controversial, strand concerns the possible disqualification of patent applications that do not comply with CBD obligations on prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and disclosure of origin. “Biopiracy” is a term sometimes used loosely to describe biodiversity-related patents that do not meet patentability criteria or that do not comply with the CBD’s obligations – but this term has no precise or agreed meaning. Disclosure requirements: A number of countries have enacted domestic legislation putting into effect the CBD obligations that access to a country’s genetic resources should depend on securing that country’s prior informed consent and agreeing to fair and equitable benefit sharing. WIPO members are considering whether, and to what extent, the intellectual property system should be used to support and implement these obligations. Many, but not all, WIPO members want to make it mandatory for patent applications to show the source or origin of genetic resources, as well as evidence of prior informed consent and a benefit sharing agreement. Parallel discussions are also taking place in the World Trade Organization’s Council on Trade Related Aspects of Intellectual Property (TRIPS). WIPO also deals with the intellectual property aspects of mutually agreed terms for fair and equitable benefit-sharing. It has developed, and regularly updates, an online database of relevant contractual practices, and has prepared draft guidelines on intellectual property clauses in access and benefit-sharing agreements. Traditional cultural expressions Traditional cultural expressions (folklore) are seen as integral to the cultural and social identities of indigenous and local communities, embodying know-how and skills, and transmitting core values and beliefs. Protecting folklore contributes to economic development, encourages cultural diversity and helps preserve cultural heritage. Traditional cultural expressions can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin, trademarks and certification marks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty. Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore. Panama has established a registration system for traditional cultural expressions, while the Pacific Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture gives “traditional owners” the right to authorize or prevent use of protected folklore and receive a share of the benefits from any commercial exploitation. Developing an international legal instrument Because the existing international intellectual property system does not fully protect traditional knowledge and traditional cultural expressions, many communities and governments have called for an international legal instrument providing sui generis protection. **An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.** On genetic resources, countries agree that intellectual property protection and the conservation of biodiversity should be mutually supportive, but differ on how this should be achieved and whether any changes to current intellectual property rules are necessary. **Representatives of indigenous and local communities are assisted by the WIPO Voluntary Fund to attend the WIPO talks, and their active participation will continue to be crucial for a successful outcome**. WIPO members have agreed to expedite their work so as to decide in late 2012 whether to convene a diplomatic conference for final adoption of one or more international instruments.

#### IP protections can be used as defensive measures for protection of traditional knowledge – empirics flow neg

Tesh Dagne 14, [© Tesh Dagne 2014. LL.B; LL.M; JSD; Assistant Professor of Law, Thompson Rivers University Faculty of Law, Kamloops, BC. This paper is part of a research project on control of access for the utilization of biodiversity resources, funded under the TRU Internal Research Fund. The author acknowledges the TRU Research Office for the support. Also, the author thanks Jessica DeMarinis for great research assistance. Protecting Traditional Knowledge in International Intellectual Property Law: Imperatives for Protection and Choice of Modalities, 14 J. Marshall Rev. Intell. Prop. L. 25 (2014)]/.anop

Given the effectiveness of IPRs in regulating economic relations, segments of stakeholders have recently become receptive to the possible use of IP as frameworks to protect TK for external use.110 Proposals to protect TK through IP mostly include either the use of existing IPRs, or the use of their modified versions in some cases, or the use of their amended version in others. Examples in the latter category include the application of case law interpreting unmodified statutes of IPRs in a manner that responds to the interest of ILCs. In this line, the Australian Aboriginal artists successfully invoked claims of copyrights and unfair trade practices against carpets imported from Vietnam that replicated Aboriginal arts.111 In resolving the dispute that arose, the Federal Court of Australia granted compensatory damages for “personal suffering” to take account of cultural aspects.112 It decided that even though only individuals could be recognized as copyright owners: [T]here may be scope…for the distribution of the proceeds of the action to those traditional owners who have legitimate entitlements, according to Aboriginal law, to share the compensation paid by someone who has, without permission, reproduced the artwork of an Aboriginal artist.”113 The jurisprudence developed from this and similar cases have generally helped to introduce the issue of TK into the Australian IPRs establishment.114 For example, the National Indigenous Arts Advocacy Association in Australia adopted the Indigenous Label of Authenticity in 1999 to help promote the marketing of the art and cultural products, and to deter the sale of products that are falsely labeled as originating from Aboriginal peoples.115 The result of the certification of authenticity in this manner, however, has not proved fruitful and thus, the initiative has been abandoned.116 New Zealand uses existing IPRs to provide defensive measures of TK protection.117 The New Zealand Trade Marks Act was amended to prohibit the registration of trademarks that would likely offend a significant segment of the community, including the indigenous Maori people.118 In addition, the Act allows the invalidation of a registered mark upon application by a person “culturally aggrieved,” even if the mark is distinctive of a registered owner.119 Bearing in mind the holistic nature of TK, it combines the use of IPRs with initiatives for sui generis approach to TK.120 In Canada, there has yet to be any amendments to IPRs legislation based on protection for TK and TK-based resources.121 As a working paper from the Department of Indian and Northern Development indicates, however, indigenous peoples in Canada directly utilize existing Copyrights and Trademark systems to establish rights on the products of their knowledge.122 This includes the use of copyrights in the woodcarvings of Pacific coast artists, including masks and totem poles, and in the silver jewelry of Haida artists.123 In the trademark regime, the Department of Indian and Northern Affairs uses the symbol Igloo as a certification mark, which identifies Inuit artwork as authentic.124 In addition, members and groups of Aboriginal peoples protect a number of marks as official marks and certification marks to identify a wide specter of goods and services, ranging from traditional art and artwork to food products, clothing, tourist services, and enterprises.125

### 2

#### 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.

#### **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.**

**Eng & Han 1**, 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 Literature & Literary Theory, and the Program in Gender, Sexuality & Women's Studies. At Penn, Eng is a founding convenor of the Faculty Working Group on Race and Empire Studies as well as a member of the Executive Board of Gender, Sexuality & Women's Studies and the Alice Paul Center. Shinhee Han, Ph.D. is aa senior psychotherapist at the Newschool University's counseling service. Her clinical specializations include Asian and Asian American mental health, transnational adoptees, LGBT population and college students with identity, depression and anxiety. Previously, Dr. Han worked on the staff of counseling services at the University of Chicago, Northwestern University, Barnard College and Columbia University. Dr. Han is a founding member of the Asian Women Giving Circle, a New York City philanthropic fund supporting Asian women artists involved with social justice.], 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

﻿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.

#### Trying to explain and solve for antagonisms fail since it leaves no room for the subject to be unidentifiable which makes it stuck in a cycle of violence.

Kim 3 (Chang-Hee Kim, The Fantasy of Asian America: Identity, Ideology, and Desire) 2009 //Nato

In light of racial identification, the apparitional power of fantasy operates paradoxically with a double function. First, it creates the gap of the subject between real and symbolic. Second, it disavows inherent antagonisms in the community by attempting to close the gap, turning its members into all identifiable subjects naturally belonging to it. In Orientalism, for instance, Edward Said criticizes a Western tradition of colonialism for producing knowledge about the East as an imagined construct that all “Eastern” societies are fundamentally similar insofar as they are conceptualized as antithetical to the Western counterparts. His point, though, is not that the a priori knowledge called Orientalism distorts some Oriental essence; rather, Orientalism, as he puts it, “operates as representations” (273). Granted, the reason that Western knowledge of the East becomes problematic is not so much that the West distorts some sort of the primordial essence of the East; rather, it is that its hegemonic system of representation is arbitrarily closing the gap between the real (unidentifiable) and the symbolic (representable) of the East, leaving no room for the East to be otherwise, 35 namely, to be further imaginable as something the West is not in the know about. Here, the notion of the real is an imaginary entity that always comes after the signification of the symbolic as a social construct, such that the real structurally originates in the unknowable gap with the symbolic. In other words, the Western fantasy of the East gives birth to the symbolic essence of the East via Orientalism by turning the East into an identifiable form of knowledge, getting rid of an imaginary essence believed to remain un-representable and unidentifiable. At the same time, such a hegemonic system of Western representation of the East also creates a fantasy about the indefinable entity of imaginary essence, the real, of the East leaving the gap open. Within this paradoxical framework, the East as an object of representation becomes stuck within the endless circle of Orientalism by being neither the fully Orientalism-free East nor the East as an authentic Western knowledge.

#### Even if they win that Settler Colonialism is what caused anti Asian violence – the alternative comes first because it’s the sequencing question to how we can prevent imperialist education

Yang-Stevens 16 Yang-Stevens, kat, “Reframing the Conversation” [2016] <http://www.katyangstevens.com/complicatingourcomplicity/> (queer gender femme and first generation Chinese Am\* living on occupied Lenape lands in so-called NYC.)//Elmer

**The model minority myth crafts a stifling, inaccurate, and violently homogenizing representation of “Asian-americans.” This carefully constructed identity is employed by white supremacy as a wedge tool to maintain the existing US social orders that relegate Black people to “the bottom.”** Meanwhile, **we are strategically** **taught to believe that Indigenous peoples are “extinct**” **and therefore their lands are considered “empty**” and available for our and others’ settlement. **Newly arriving Asians**, as well as those of us born here in the United States, are **active participants in the settler colonial nation state.** **Our presence here on these lands** – however complicated by our own histories of European colonialism and dispossession, and the violence we experience due to white supremacy and other oppressive power structures– **works to ensure the continued occupation of these lands, the** **ongoing invisibilization** **and** **genocide of Indigenous peoples, and the unrelenting attacks on their lifeways. The model minority myth is a highly valued staple in the world of white conservative** **media**. Bill O'Reilly, the infamously bigoted right-wing pundit for Fox News, used it in a long-winded rant entitled “The Truth About White Privilege,” in which he tried to argue that **white people are not structurally advantaged in comparison to non-white groups of people.** He laughably argued that while white privilege doesn’t exist, “Asian privilege” does recycling false and decontextualized “statistics” and rhetoric about “Asian success” to blame Black americans for their own oppression and justify his anti-Black ramblings. **Immediately following the killing of Akai Gurley, both the mainstream and conservative right wing media, as well as independent bloggers (read: racists on the internet) hurried to pull up Gurley’s records, building a “case” to justify his death and excuse Liang’s lethal actions that night**. Articles can be found repeatedly referring to Gurley as a “thug” and a “career criminal.” The word “thug” itself has its roots in the Hindi and Urdu word thag – which has meanings related to swindler, thief, and the verb “deceive” – and only entered the English language after the British colonial occupation of India in the 1800s, during which Indian “thugs” were targeted for extermination. Over time, the word in Standard american English has transformed into a racially coded epithet applied especially to Black people, and sometimes other people of color, to imply that they have a violent and untrustworthy nature. The way that the term “thug” is used in media shows a clear indication that if a Black person is deemed a “thug,” their mistreatment or murder at the hands of the police can be excused, or even celebrated as a “good riddance.” For years Black people have spoken out about the way the term “thug” is morphing into a socially acceptable way to call Black people the N-word without actually using the N-word. Less than 24 hours after Akai Gurley was killed, New York’s CBS local had already published a story which ended with the unnecessary, unsubstantiated, and sensationalizing claim that “Gurley has 24 prior arrests on his record.” Regardless of the truth of that claim, it should go without saying that Gurley’s past had nothing to do with the cause of his death, and in no way justifies the extrajudicial taking of his life. Arrests by the police are racially motivated; the record of arrests may be a more accurate reflection of institutional racism and anti-Blackness rather than representation of Gurley’s character. In June 2015, the New York Post went as far as to outright declare Peter Liang’s innocence by deeming the shooting “accidental” in their article headlined “Cop who accidentally shot man in stairwell to face manslaughter charge.” We have been taught the racist and anti-Black notion that Black people somehow deserve the violences inflicted upon them by white people and white power structures like the institution of the police. This common train of thought ignores that Black peoples’ existence in this country has always been constructed as criminal, especially following the end of African chattel slavery. **Legislation such as the Black Codes, the Pig Laws, and other statutes enforced during the Jim Crow Era, legally placed heavy restrictions and harsh punishments on Black people**. These statues were not applied to whites, and were often not enforced, or were unevenly enforced against, other non-Black people. These types of legislation are aimed at denying Black people civic equality and preventing them from accessing critical infrastructural resources. **Using the “model minority myth” again as a wedge, news outlets as well as supporters of Liang have been able to paint** **clear and oppositional images of Gurley and Liang**. Gurley has repeatedly been presented to us as a “career criminal” and a “thug” with a long history of arrests. We can observe a recurring implication that his “violent lifestyle” would have brought him to a similar fate anyways, or that he “had it coming to him” for engaging in “criminal” activity in the past. Portrayal of Gurley in this decontextualized, inaccurate, and dehumanizing way strategically and conveniently leaves out crucial historical and present day context of the specific violences enacted against Black people. **These histories and contexts manifest themselves today through the degradation of Black people's quality of life**, such as through unsafe public housing like NYCHA buildings filled with predominantly Black residents living in homes with hallways without working lights, where police officers wander the stairwells in the dark with loaded guns pointed forward. In contrast, Liang is portrayed very differently; he is always pictured in the media with his mouth closed, not speaking, and wearing a suit. He is spoken of as “inexperienced” and a “rookie.” **He is described as being born to an immigrant family, and a hard worker. Most importantly he is (was) a member of the NYPD, an organization dedicated to serving and upholding the white supremacist, settler colonial nation state.**

#### 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.”

## 1AC

#### Ontology comes prior to materiality – focusing on materiality allows for the structural forces that contribute to violence to go unquestioned allowing for violence to reiterate itself in more violent ways –if you give Asians one marvel movie the stereotypes don’t go away – all they posit is symbolic victories with no STRUCTURAL CHANGE which takes out all progress claims. That turns case and guts solvency since they can’t solve the root cause of their harms and proves the K outweighs since ontological death is infinite.

### Theory of Power

#### Totalization DA – Totalizing understandings of colonialism make indigenous liberation impossible

Busbridge 18 [Busbridge, Rachel, Research Fellow at the Centre for Dialogue, La Trobe University. “Israel-Palestine and the Settler Colonial ‘Turn’: From Interpretation to Decolonization,” Theory, Culture & Society, Vol 35, Issue 1, 2018.] MT

The prescription for decolonisation—that is, a normative project committed to the liberation of the colonised and the overturning of colonial relationships of power (Kohn & McBride, 2011: 3)—is indeed one of the most counterhegemonic implications of the settler colonial paradigm as applied to IsraelPalestine, potentially shifting it from a diagnostic frame to a prognostic one which offers a ‘proposed solution to the problem, or at least a plan of attack’ (Benford & Snow, 2000: 616). What, however, does the settler colonial paradigm offer by way of envisioning decolonisation? As Veracini (2007) notes, while settler colonial studies scholars have sought to address the lack of attention paid to the experiences of Indigenous peoples in conventional historiographical accounts of decolonisation (which have mostly focused on settler independence and the loosening of ties to the ‘motherland’), **there is** nevertheless **a ‘**narrative deficit’ when it comes to imagining settler decolonisation. While Veracini (2007) relates this deficit to a matter of conceptualisation, it is apparent that the structural perspective **of the paradigm** in many ways closes down possibilities of imagining the type of social **and** political transformation **to which the** notion of decolonisation aspires. In this regard, there is a worrying tendency (**if not** tautological discrepancy) **in settler colonial studies, where the** only solution to settler colonialism is decolonisation**—which a faithful adherence to the paradigm** renders largely unachievable**, if not** impossible**.** To understand why this is the case, it is necessary to return to Wolfe’s (2013a: 257) account of settler colonialism as guided by a ‘zero-sum logic whereby settler societies, for all their internal complexities, uniformly require the elimination of Native alternatives’. The **structuralism** of this account has immense power as a means of mapping forms of injustice and indignity as well as strategies of resistance and **refusal**, and Wolfe is careful to show how transmutations of the logic of elimination are complex, variable, discontinuous and uneven. **Yet, in** seeking to elucidate the logic of elimination as the overarching historical force guiding settler-native relations there is an operational weakness in the theory, whereby such a logic is simply there, omnipresent and manifest even when (and perhaps especially when) it appears not to be; the settler colonial studies scholar need only read it into a situation or context. It thus hurtles from the past to the present into the future, never to be fully extinguished until the native is, or until history itself ends. There is thus a powerful ontological (if not metaphysical) dimension to Wolfe’s account, where there is such thing as a ‘settler will’ that inherently desires the elimination of the native and the distinction between the settler and native can only ever be categorical, founded as it is on the ‘primal binarism of the frontier’ (2013a: 258). It is here that the differences between earlier settler colonial scholarship on Israel-Palestine and the recent settler colonial turn come into clearest view. While Jamal Hilal’s (1976) Marxist account of the conflict, for instance, engaged Palestinians and Jewish Israelis in terms of their relations to the means of production, Wolfe’s account brings its own ontology: the bourgeoisie/proletariat distinction becomes that of settler/native, and the class struggle the struggle between **settler**, who **seeks to** destroy and replace the native**, and native**, who can only ever push back. Indeed, **if the settler colonial paradigm views history in** similar **teleological terms** to the Marxist framework, **it** does not offer **the same hopeful vision of** a liberated future. After all, **settler colonialism has** only one story to tell—‘either total victory or total failure’ (Veracini, 2007). Veracini’s attempt to disaggregate different forms of settler decolonisation is revealing of the difficulties that come along with this zero-sum perspective. It is significant to note that beyond settler evacuation (which may decolonise territory, he cautions, but not necessarily relationships) the picture he paints is a relatively bleak one. For Veracini (2011: 5), claims for decolonisation from Indigenous peoples in settler societies can take two broad forms: an ‘anticolonial rhetoric expressing a demand for indigenous sovereign independence and self-determination… and an “ultra”-colonial one that seeks a reconstituted partnership with the [settler state] and advocates a return to a relatively more respectful middle ground and “treaty” conditions’. While both, he suggests, are tempting strategies in the struggle for change, though ‘ultimately ineffective against settler colonial structures of domination’ (2011: 5), it is the latter strategy that invites Veracini’s most scathing assessment. As he writes, under settler colonial conditions the independent polity is the settler polity and sanctioning the equal rights of indigenous peoples has historically been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation. This decolonisation actually enhances the subjection of indigenous peoples… it is at best irrelevant and at worst detrimental to indigenous peoples in settler societies (2011: 6-7). The ‘primal binarism of the frontier’ plays a particularly ambivalent role in Veracini’s (2011: 6) formulation, where the categorical distinction between settler and native obstructs the ‘possibility o**f a genuinely decolonised relationship**’ (by virtue of its lopsidedness) **yet is** a necessary political strategy to guard against the absorption of Indigenous people into the settler fold, which would represent settler colonialism’s final victory. **The battle here is between a ‘settler colonialism [that] is designed to produce a fundamental discontinuity as its “logic of elimination” runs its course until it actually extinguishes the settler colonial relation’ and an anti-colonial struggle that** ‘must aim to keep the settler-indigenous relationship going’ (2011: 7). In other words, **the categorical distinction produced by the frontier** must be maintained in order to struggle against its effects. Given the lack of options presented to Indigenous peoples by Veracini (2014: 315), his conclusion that settler decolonisation demands a ‘radical, post-settler colonial passage’ is perhaps not surprising – although he has ‘no suggestion as to how this may be achieved and [is] pessimistic about its feasibility’.

Scholars have long reckoned with the ambivalence of the settler colonial situation, which is simultaneously colonial and postcolonial, colonising and decolonising (Curthoys, 1999: 288). **Given the generally dreadful** Fourth World **circumstances facing many Indigenous peoples** in settler societies, **it** could be argued that **there is good reason for** such pessimism. The settler colonial paradigm, in this sense, offers an important caution against celebratory narratives of progress. Wolfe (1994), it must be recalled, wrote the original articulation of his thesis precisely against the idea of ‘historical rupture’ that dominated in Australia post-Mabo, and was thus as much a scholarly intervention as it was a political challenge to the idea of Australia having broken with its colonial past. Nonetheless**, the** fatalism **of the settler colonial paradigm**—whereby decolonisation is by and large put beyond the realms of possibility—**has** seen it **come** under considerable critique for reifying settler colonialism as a **transhistorical meta-structure where colonial relations of domination are** inevitable (Macoun & Strakosch, 2013: 435; Snelgrove et al., 2014: 9). Not only does Wolfe’s **ontology** erase contingency**,** heterogeneity **and (crucially) agency** (Merlan, 1997; Rowse, 2014), **but its polarised framework** effectively ‘puts politics to death’ (Svirsky, 2014: 327). In response to such critiques, Wolfe (2013a: 213) suggests that ‘the repudiation of binarism’ may just represent a ‘settler perspective’. However, as Elizabeth Povinelli (1997: 22) has astutely shown, it is in this regard that **the** totalising logic **of** Wolfe’s **structure of invasion** rests on a disciplinary gesture where ‘any discussion which does not insist on the polarity of the [settler] colonial project’ is assimilationist, worse still, genocidal in effect if not intent. Any attempt to ‘explore the dialogical or hybrid nature of colonial subjectivity’—which would entail working beyond the bounds of absolute polarity—is disciplined as complicit in the settler colonial project itself, leaving ‘the only nonassimilationist position one that adheres strictly and solely to a critique of [settler] state discourse’. This gesture not only disallows the possibility of counter-publics and strategic alliances (even limited ones), but also comes dangerously close to ‘resistance as acquiescence’ insofar as the settler colonial studies scholar may malign the structures set in play by settler colonialism, but only from a safe distance unsullied by the messiness of ambivalences and contradictions of settler and Native subjectivities and relations. Opposition is thus left as our only option, but, as we know from critical anti-colonial and postcolonial scholarship, opposition in itself is not decolonisation.

#### Academy DA – The academy loves their pain narrative – it uses this to “decolonize” education and to recreate a subjugated politics of recognition.

Tuck and Yang 14 Eve Tuck and K. Wayne Yang, "R-words: Refusing research." Humanizing research: Decolonizing qualitative inquiry with youth and communities (2014): 223-248. SJBE

Elsewhere, Eve (Tuck, 2009, 2010) has argued that educational research and much of social science research has been concerned with documenting damage, or empirically substantiating the oppression and pain of Native communities, urban communities, and other disenfranchised communities. Damage-centered researchers may operate, even benevolently, within a theory of change in which harm must be recorded or proven in order to convince an outside adjudicator that reparations are deserved. These reparations presumably take the form of addi- tional resources, settlements, affirmative actions, and other material, political, and sovereign adjustments. Eve has described this theory of change1 as both colonial and flawed, because it relies upon Western notions of power as scarce and concentrated, and because it requires disenfranchised communities to posi- tion themselves as both singularly defective and powerless to make change (2010). Finally, Eve has observed that “won” reparations rarely become reality, and that in many cases, communities are left with a narrative that tells them that they are broken. Similarly, at the center of the analysis in this chapter is a concern with the fixation social science research has exhibited in eliciting pain stories from com- munities that are not White, not wealthy, and not straight. Academe’s demon- strated fascination with telling and retelling narratives of pain is troubling, both for its voyeurism and for its consumptive implacability. Imagining “itself to be a voice, and in some disciplinary iterations, the voice of the colonised” (Simpson, 2007, p. 67, emphasis in the original) is not just a rare historical occurrence in anthropology and related fields. We observe that much of the work of the academy is to reproduce stories of oppression in its own voice. At first, this may read as an intolerant condemnation of the academy, one that refuses to forgive past blunders and see how things have changed in recent decades. However, it is our view that while many individual scholars have cho- sen to pursue other lines of inquiry than the pain narratives typical of their disciplines, novice researchers emerge from doctoral programs eager to launch pain-based inquiry projects because they believe that such approaches embody what it means to do social science. The collection of pain narratives and the theories of change that champion the value of such narratives are so prevalent in the social sciences that one might surmise that they are indeed what the academy is about. In her examination of the symbolic violence of the academy, bell hooks (1990) portrays the core message from the academy to those on the margins as thus: No need to hear your voice when I can talk about you better than you can speak about yourself. No need to hear your voice. Only tell me about your pain. I want to know your story. And then I will tell it back to you in a new way. Tell it back to you in such a way that it has become mine, my own. Re-writing you I write myself anew. I am still author, authority. I am still colonizer the speaking subject and you are now at the center of my talk. (p. 343) Hooks’s words resonate with our observation of how much of social science research is concerned with providing recognition to the presumed voiceless, a recognition that is enamored with knowing through pain. Further, this passage describes the ways in which the researcher’s voice is constituted by, legitimated by, animated by the voices on the margins. The researcher-self is made anew by telling back the story of the marginalized/subaltern subject. Hooks works to untangle the almost imperceptible differences between forces that silence and forces that seemingly liberate by inviting those on the margins to speak, to tell their stories. Yet the forces that invite those on the margins to speak also say, “Do not speak in a voice of resistance. Only speak from that space in the margin that is a sign of deprivation, a wound, an unfulfilled longing. Only speak your pain” (hooks, 1990, p. 343). The costs of a politics of recognition that is rooted in naming pain have been critiqued by recent decolonizing and feminist scholars (Hartman, 1997, 2007; Tuck, 2009). In Scenes of Subjection, Sadiya Hartman (1997) discusses how rec- ognizing the personhood of slaves enhanced the power of the Southern slave- owning class. Supplicating narratives of former slaves were deployed effectively by abolitionists, mainly White, well-to-do, Northern women, to generate portraits of abuse that ergo recognize slaves as human (Hartman, 2007). In response, new laws afforded minimal standards of existence, “making personhood coterminous with injury” (Hartman, 1997, p. 93), while simultaneously authorizing necessary violence to suppress slave agency. The slave emerges as a legal person only when seen as criminal or “a violated body in need of limited forms of protection” (p. 55). Recognition “humanizes” the slave, but is predicated upon her or his abjection. You are in pain, therefore you are. “[T]he recognition of humanity require[s] the event of excessive violence, cruelty beyond the limits of the socially tolerable, in order to acknowledge and protect the slave’s person” (p. 55). Furthermore, Hartman describes how slave-as-victim as human accordingly establishes slave-as-agent as criminal. Applying Hartman’s analysis, we note how the agency of Margaret Garner or Nat Turner can only be viewed as outsider violence that humane society must reject while simultaneously upholding the legitimated violence of the state to punish such outsider violence. Hartman asks, “Is it possible that such recognition effectively forecloses agency as the object of punishment . . . Or is this limited conferral of humanity merely a reinscription of subjugation and pained existence?” (p. 55). As numerous scholars have denoted, many social science disciplines emerged from the need to provide justifications for social hierarchies undergirded by White supremacy and manifest destiny (see also Gould, 1981; Selden, 1999; Tuck & Guishard, forthcoming). Wolfe (1999) has explored how the contoured logic of settler colonialism (p. 5) can be mapped onto the microactivities of anthropology; Guthrie (1976) traces the roots of psychology to the need to “sci- entifically” prove the supremacy of the White mind. The origins of many social science disciplines in maintaining logics of domination, while sometimes addressed in graduate schools, are regularly thought to be just errant or inauspi- cious beginnings—much like the ways in which the genocide of Indigenous peoples that afforded the founding of the Unites States has been reduced to an unfortunate byproduct of the birthing of a new and great nation. Such amnesia is required in settler colonial societies, argues Lorenzo Veracini, because settler colonialism is “characterized by a persistent drive to supersede the conditions of its operation,” (2011, p. 3); that is, to make itself invisible, natural, without ori- gin (and without end), and inevitable. Social science disciplines have inherited the persistent drive to supersede the conditions of their operations from settler colonial logic, and it is this drive, a kind of unquestioning push forward, and not the origins of the disciplines that we attend to now. We are struck by the pervasive silence on questions regarding the contempo- rary rationale(s) for social science research. Though a variety of ethical and procedural protocols require researchers to compose statements regarding the objectives or purposes of a particular project, such protocols do not prompt reflection upon the underlying beliefs about knowledge and change that too often go unexplored or unacknowledged. The rationale for conducting social science research that collects pain narratives seems to be self-evident for many scholars, but when looked at more closely, the rationales may be unconsidered, and some- what flimsy. Like a maritime archaeological site, such rationales might be best examined in situ, for fear of deterioration if extracted. Why do researchers collect pain narratives? Why does the academy want them? An initial and partial answer is because settler colonial ideology believes that, in fiction author Sherril Jaffe’s words, “scars make your body more interesting,” (1996, p. 58). Jaffe’s work of short, short of fiction bearing that sentiment as title captures the exquisite crossing of wounds and curiosity and pleasure. Settler colonial ideology, constituted by its conscription of others, holds the wounded body as more engrossing than the body that is not wounded (though the person with a wounded body does not politically or materially benefit for being more engrossing). In settler colonial logic, pain is more compelling than privilege, scars more enthralling than the body unmarked by experience. In settler colonial ideology, pain is evidence of authenticity, of the verifiability of a lived life. Academe, formed and informed by settler colonial ideology, has developed the same palate for pain. Emerging and established social science researchers set out to document the problems faced by communities, and often in doing so, recircu- late common tropes of dysfunction, abuse, and neglect.