

Asian-American Studies in the Age of the Prison Industrial Complex: Departures and Re-narrations

Dylan Rodríguez

INTRODUCTION: THE CARCERAL DILEMMA OF ASIAN AMERICAN STUDIES

This essay offers a schematic reflection on the institutional formation and political location of Asian-American Studies in relation to the rise of the United States prison industrial complex¹ over the last three decades. I am generally concerned with the peculiar location of “Asian Americans” as fabricated cultural figures within a U.S. social and racial formation² that is increasingly constituted by various discursive and institutional technologies of criminalization and punishment. More specifically, I am interested in a critical assessment of the problematics—that is, the schematic sets of assumptions that frame and discipline processes of critical inquiry and intellectual formulation—through which Asian-American Studies has come to (re)narrate and cohere itself in the context of a post-civil rights, and allegedly “multicultural,” civil society.

The post-1965 migrations of professional, petit bourgeois, working class, undocumented, and refugee Asian populations to the United States has facilitated the emergence of a field of discretely “Asian American” civil productions which encompass everything from academic initiatives and programs, community-based non-profit and social service organizations, legal advocacy groups, alternative subcultures, student movements, and other similar social constructions of “panethnic”³ Asian-American political and cultural interest. Amidst the proliferation of this putative Asian-American bloc, however, has been the consolidation of a neoliberal American

order that has innovated and drastically expanded varieties of human unfreedom and punishment. This carceral/punitive national formation, which is currently enacting new and global forms of state-proctored, mass-based imprisonment,⁴ is inseparable from a broader genealogy of mass-based civil⁵ and social death⁶ traceable to the lasting legacies of racial chattel slavery and its variable articulations with the historical architecture of the U.S. prison. Thus, amidst a mass incarceration that is arguably without historical precedent (around 2.5 million held captive as of this writing, more than half of whom are Black),⁷ it is worth examining whether and how Asian American Studies and its correspondent Asian Americanisms are structurally entangled with, and actively complicit in, the genesis and expansion of this carceral social liquidation. The following pages compose an initial (and admittedly concise and schematic) attempt at a counter-narration of the relationship between three contemporaneous—and in my view, overlapping and mutually constitutive—institutional formations: Asian-American Studies, Asian-American civil society, and the U.S. prison industrial complex.

I close these introductory comments with an open-ended question: How might the field of Asian American Studies—and its professed alignment as a critical intellectual/pedagogical practice—be transformed, distorted, or unhinged if it were compelled to articulate a direct discursive and political relation to contemporary technologies of racial pathologization, criminalization, bodily immobilization, and imprisonment?

WHITE RECONSTRUCTION: “LAW AND ORDER” AS HISTORICAL CONTEXT

Perhaps the pivotal enunciative moment for the rise of the contemporary U.S. policing and imprisonment regimes was the cultural watershed of Barry Goldwater’s 1964 presidential campaign. This mobilization, while failing in its bid to win Goldwater the executive office, was wildly successful in generating a re-coded racial discourse of policing and criminality that targeted the Black and Brown⁸ urban poor and working classes for political neutralization, if not strategic social liquidation. Articulated at the historical pinnacle of the reformist civil rights movement and in the face of accelerating and substantively radical Black, Native American, Puerto

Rican, Chicano, Asian, and domestic Third Worldist liberation struggles, Goldwater's rhetoric resonated with the anxieties of a white civil society whose hegemony appeared to be in a state of epochal crisis. "Law and order" was thus simultaneously a cultural production and political agenda, offering a white national community the promise of militarized rescue as well as a sweeping structure of collective sentimentality.

Goldwater's 1964 acceptance of the Republican presidential nomination contrived an intersection of "racial" and "criminal" discourse, pitched to a white electorate ostensibly reeling from the civic disruptions of Black and Brown urban rebellions. Rendering a vision of white civil society bound by a rearticulated reactionary nationalist solidarity, Goldwater in fact reawakened the dream of a militarized white supremacist state amidst a crumbling American apartheid. His political fantasy, which amounted to a vision of post-civil rights White Reconstruction, was the harbinger of a quickly cementing common sense:

Now, my fellow Americans, the tide has been running against freedom. Our people have followed false prophets. We must, and we shall, return to proven ways—not because they are old, but because they are true. . . . And this party, with its every action, every word, every breath, and every heartbeat, has but a single resolve, and that is freedom. . . . *freedom—balanced so that liberty lacking order will not become the license of the mob and of the jungle.*⁹ [emphasis added]

Echoing the racial juxtapositions of Joseph Conrad's *Heart of Darkness*, Goldwater elaborated a white populist conception of liberty and security defined through the militarized containment and repression of the lurking urban/mob/jungle threat. His declaration of veritable domestic warfare in this nomination speech prefaced Richard Nixon's watershed electoral victory in 1968 and established a crucial discursive political schema for a reconfigured police-prison hegemony. Foreshadowing what would soon become Nixon's political mantra, Goldwater elaborates,

Security from domestic violence, no less than from foreign aggression, is the most elementary and fundamental purpose of any government, and a government that cannot fulfill that purpose is one that cannot long command the loyalty of its citizens. History shows us—demonstrates that nothing—nothing prepares the way for tyranny more than the failure of public officials to keep the streets from bullies and marauders.¹⁰

The exponential growth of the police industry in the United States closely followed the dictates of the Goldwater-Nixon law and order bloc, carried on the strength of a putative political mandate to reorganize, remilitarize, and refocus on the restoration of a white national hegemony in crisis.¹¹ An allegory of bodily confrontation between innocent white vulnerability—a construct that crystallized notions of white communal and bodily security across geographies and classes—and Black/Brown criminal physicality instantiated a binding historical *telos* for the post-1960s White Reconstruction, a post-civil rights revival that required the simultaneous and decisive disruption of U.S. based anti-racist and anti-imperialist liberation movements and their counterpart urban insurrections.

Law and order's discursive structure was, in an important sense, a political articulation of white liberation, articulated through white civil society's awakening to the possibility of its own discursive-material disarticulation: the militant reformism of the Civil Rights Movement had not only broken the legal structures of segregation and Jim Crow, but had additionally foreshadowed a lapse and spasm within the white supremacist state and body politic. The emergence of this definitive era of domestic and international liberation movements throughout the 1960s and 1970s encompassed political and juridical assertions that directly antagonized the broadly conceived premises of the nation's historical formation, while substantively challenging and destabilizing the post-emancipation juridical and social structures of American white supremacy, including formalized segregation, wanton racist police violence, lynching, and illegal land occupation. Such notions as "Black liberation" and "Indian sovereignty," in particular, represented unanswerable demands on the presumptive white body politic, precisely because both were phrased as *domestic* claims on the United States of America, putatively blaspheming the sanctity of historically white localities. Additionally, the racialized "class" displacements of rapid de-industrialization in urban and rural centers of production offered fodder for white civil society's closing of ranks—that is, white supremacist capital's production of Black and Brown underground workers (including undocumented people and those in extralegal occupations) and non-workers represented, to the Goldwater-Nixon bloc, the very picture of a riot waiting to happen.

Articulated through and against the progressive and radical counter-communities that threatened the transformation of the

American social formation and abolition of white supremacist socio-cultural structures, the White Reconstruction reasserted an essential stewardship of the state through the versatile mechanism of racial criminalization. The emergent technology of crime production was spurred by Nixon's rise to national power and the subsequent, massive federal and local investment in militarized police forces.¹² In this context, Goldwater's ominous forecast of tyranny's onset shot through a civic consciousness that was absorbing the possibility of white freedom's rollback, and while white self-defense formed the template for an aggressively militarizing state, the law-and-order message remained intensely grandiose and global. Goldwater was, in an important sense, foreshadowing U.S. white civil society's globalization, envisioning a reconstruction that reached across the domestic sphere and constituted a hegemonic *white Atlantic*:

I believe that we must look beyond the defense of freedom today to its extension tomorrow I can see and I suggest that all thoughtful men must contemplate the flowering of an Atlantic civilization, the whole world of Europe unified and free, trading openly across its borders, communicating openly across the world. This is a goal far, far more meaningful than a moon shot.

. . . I can also see—and all free men must thrill to—the events of this Atlantic civilization joined by its great ocean highway to the United States. What a destiny, what a destiny can be ours to stand as a great central pillar linking Europe, the Americans and the venerable and vital peoples and cultures of the Pacific. I can see a day when all the Americas, North and South, will be linked in a mighty system, a system in which the errors and misunderstandings of the past will be submerged one by one in a rising tide of prosperity and interdependence But we pledge—we pledge that human sympathy—what our neighbors to the South call that attitude of “*simpatico*”—no less than enlightened self-interest will be our guide.¹³

Couched in the rhetoric of civic security and personal safety, this discourse offered white civil society political rescue and a new structure of collective sentimentality, mobilized through a intersectional rearticulation of classical American conceptions of both “*race*” and “*crime*.”

The convocation of the Nixon administration in 1968 involved a wildly successful extrapolation and institutionalization of the seminal Goldwaterist rhetoric. A newly authenticated and electorally validated White Reconstruction facilitated the transformation of

the policing, criminal justice, and imprisonment apparatuses by integrating the transparently racist codings of law and order into their collective—and always overlapping—*modus operandi*. In subsequent years, this process has even fabricated a novel schooling/penal nexus, wherein a veritable war on young people of color has emerged, according to Giroux, as “an attempt to contain, warehouse, control, and even eliminate all those groups and social formations that the market finds expendable.”¹⁴ (I will discuss this nexus in more detail below.)

Law and order’s production of a *racially* pathologized criminality has, in this way, provided the juridical torque necessary for new military and carceral organizations, technologies, and territories. Militarized policing, criminal justice, and mass-scale imprisonment have emerged since 1964 as *socially productive* technologies, forging an indelible linkage between the site and scene of the prison, the structured impunity of newly expanded and empowered police forces, and the corresponding world of a consolidated and coherent—though always endangered—normative white civil society. It is within this context that Asian Americans *qua* “model minorities” have become pivotal social and cultural figures/fabrications, positioned at the intersection of multiple racial antagonisms and situated within a specific projection of white political desire.

CULTURES OF POVERTY AND MODEL MINORITIES: OUTLINES AND CONTESTATIONS OF A WHITE-ASIAN ALLIANCE

The popular absorption of law and order’s situated, and eloquently articulated reactionary populism was lubricated by the circulation of the liberal racist discourses inscribed by the infamous 1965 Moynihan Report (*The Negro Family: The Case for National Action*, compiled for the U.S. Department of Labor) and Oscar Lewis’ ascendant “Culture of Poverty” thesis, widely disseminated in 1966 through his celebrated ethnographic study *La Vida: A Puerto Rican Family in the Culture of Poverty, San Juan and New York*, as well as a short article published in the popular journal *Scientific American*. This discursive political intersection—between Goldwaterist reactionaries and the liberal professional intellectual establishment—is worth exploring further for its seminal contribution to the historical architecture within which contemporary Asian Americanisms are situated.

The conjoined rhetoric of the Moynihan-Lewis intellectual bloc was famously couched as an alleged social science of embedded Black/"Negro" (for Moynihan) and Mexican/Puerto Rican (for Lewis) cultural pathology, and suggested the essentialized site of "family structure" as the source of a self-perpetuating defeatism. Moynihan's introduction pronounced, "The fundamental problem . . . is that of family structure. The evidence—not final, but powerfully persuasive—is that the Negro family in the urban ghettos is crumbling." The future U.S. Senator's notorious ruminations on the Black family's "Tangle of Pathology" (see Chapter IV of *The Negro Family*) helped shape a white civic consciousness that sought explanation for the persistent antagonism—and lurking crisis—that poor urban Black communities embodied within the white racial imaginary of American civil society.

In essence, the Negro community has been forced into a matriarchal structure which, because it is so out of line with the rest of the American society, seriously retards the progress of the group as a whole, and imposes a crushing burden on the Negro male and, in consequence, on a great many Negro women as well.¹⁵

Lewis similarly offered,

The culture of poverty. . . is not only an adaptation to a set of objective conditions of the larger society. Once it comes into existence it tends to perpetuate itself from generation to generation because of its effect on the children. By the time slum children are age six or seven they have usually absorbed the basic values and attitudes of their subculture and are not psychologically geared to take full advantage of changing conditions or increased opportunities which may occur in their lifetime.¹⁶

Lewis' extended ruminations on "matrifocality" as a central element of various cultures of poverty echoed Moynihan's contentions while supplementing them with a more definitive set of conclusions. It appeared, for Lewis, that poor urban Puerto Ricans were an extrusive presence in white civil society, a population that in his terms approximated a *culturalist* conception of racial pathology and incipient subhumanity:

[O]n the whole it seems to me that [the culture of poverty] is a *relatively thin culture*. There is a great deal of pathos, suffering, and emptiness among those who live in the culture of poverty. It does not provide much support or long-range satisfaction and its encouragement of mistrust tends to

magnify helplessness and isolation. *Indeed, the poverty of culture is one of the crucial aspects of the culture of poverty.*¹⁷ [emphasis added]

Crucial to the production of the academic and popular consensus around the culture of poverty was that it was embroidered onto the racial formation of the post-1960s White Reconstruction. Specifically, Moynihan and Lewis (and their ideological contemporaries in academia, policy think tanks, and government) helped suture a white liberal common sense that apprehended the persistence of Black/Brown poverty, disfranchisement, and structured vulnerability to premature death¹⁸ as the inevitable (though tragic) production of self-defeating cultural values and a “retarding” matriarchal family structure. Lewis’ schematization of a poverty of culture pervasive among the Black/Brown poor¹⁹ in this sense hinted at something more ominous: to the extent that “culture” is commonly understood as the primary and constituent labor of human beings across varying scales of community and social intercourse, Lewis implied that there were people in the United States that were simply ill-equipped to either contribute or survive the rigors of the postwar—and embryonic Cold War—national *telos*.

Enriching and broadening the scope of this reconstituted racial common sense was the conspicuous proposition of an Asian immigrant “model minority,” an image that obtained wide circulation with the paradigmatic *U.S. News and World Report* article of 1966.

At a time when Americans are awash in worry over the plight of racial minorities—One such minority, the nation’s 300,000 Chinese-Americans, is winning wealth and respect by dint of its own hard work.

In any Chinatown from San Francisco to New York, you discover youngsters at grips with their studies. . . .

Still being taught in Chinatown is the old idea that people should depend on their own efforts—not a welfare check—in order to reach America’s “promised land.”

Visit “Chinatown U.S.A.” and you find an important racial minority pulling itself up from hardship and discrimination to become a *model* of self-respect and achievement in today’s America.²⁰

Numerous Asian American Studies scholars and activists have examined the genesis of the contemporary model minority racial imaginary as the (perhaps required) discursive complement to the sustained post-civil rights era subordination of Black and Brown populations. Vijay Prashad has gone so far as to attest that to the

extent that Blacks constitute, in DuBois' famous formulation, a categorical "problem" for the racial formation of the United States, Asians (for Prashad, South Asians in particular) embody a "solution." Prashad writes,

Many folks feel, it seems, that to make positive statements about what they consider to be a race is just fine. ... These are not only statements of admiration. Apart from being condescending, such gestures remind me that I am to be the perpetual solution to what is seen as the crisis of black America. I am to be a weapon in the war against black America.²¹

Robert S. Chang, staking a claim for a "narrative space" that moves beyond a "black-white racial paradigm," additionally argues that model minorityism has obscured the oppression of Asian Americans.

This history of discrimination and violence, as well as the contemporary problems of Asian Americans, are obscured by the portrayal of Asian Americans as a "model minority." Asian Americans are portrayed as "hardworking, intelligent, and successful." This description represents a sharp break from past stereotypes of Asians as "sneaky, obsequious, or inscrutable."²²

Further positing the "dual harm" sustained by the model minority rendition, Chang continues,

In addition to hurting Asian Americans, the model minority myth works a dual harm by hurting other racial minorities and poor whites who are blamed for not being successful like Asian Americans. "African-Americans and Latinos and poor whites are told, 'look at those Asians—anyone can make it in this country if they really try.'" This blame is justified by the meritocratic thesis supposedly proven by the example of Asian Americans. This blame is then used to campaign against government social services for these "undeserving" minorities and poor whites and against affirmative action. To the extent that Asian Americans accept the model minority myth, we are complicitous in the oppression of other racial minorities and poor whites.²³

Notably, critics like Chang fail to elaborate how the production of "model minority" discourse has informed and constituted an overlapping *police-corrections* agenda that funnels pre-legitimated state violence (from preemptive police detention to street assassinations qua "justifiable homicide") through the sieve of contemporary "racial profiling" practices: that is, "model minorities" will (with

relative exception) tend *not* to be the categorical racial targets of the militarized law and order state's most acute exercises of bodily violence and juridical punishment.

To contest and revise Chang's summation, far more is at stake than differential access to "government social services" and (a now non-existent) "affirmative action." While there is truth to Prashad's and Chang's assertions that the model minority imaginary amounts to a cynical, white supremacist objectification of Asians as a political and cultural "weapon" against other "racial minorities," (though I am less inclined than Chang to contend that it is either similarly or significantly utilized against "poor whites") what remains undertheorized in Asian American critique is the historical linkage between model minorityism and the militarized cultural production of the "law and order" state. Such a theoretical examination requires a particular focus on the political and cultural technology of *criminalization*—defined here as the social and political apparatuses through which (racial) categories of deviance and criminality are invented, refined, and formalized into the state's mobilizations of policing and jurisprudence.



By way of example: the contemporary technology of criminalization has reached across the emergence of the Asian American model minority figure in the genesis of a veritable war on young people of color, waged on the street and in the increasingly militarized sites of urban public schools. Structurally and discursively linked to what scholar-activist Ruth Wilson Gilmore calls the rise of "domestic militarization,"²⁴ the school is becoming a site of strategic penal management and social neutralization, and projects the racist "law and order" imperative into an age-based preemptive strike: "One way or another, if you're young, poor, and of color, cops will find a way into your classroom."²⁵ Cultural theorist and critical pedagogue Henry Giroux, in an elaboration of Gilmore's schematic, has suggested that the rise to prominence of school-based "zero tolerance laws" ought to be read as a material and juridical metaphor for "hollowing out the state and expanding the forces of domestic militarization,"²⁶ further arguing that the popular cultural and ideological effect of these laws is to mobilize "racialized codes and race-based moral panics that portray black and brown urban youth as a new and frighteningly violent threat."²⁷ Here, the technology of criminalization becomes the point of transfer for an institutional transformation: schools simultaneously become sites of carceral militarization (against poor,

racially pathologized youth) and disciplinary youth interpellation. According to Giroux,

While schools share some proximity to prisons in that they are both about disciplining the body... little has been written about how zero tolerance policies in schools resonate powerfully with prison practices that signify a shift away from treating the body as a social investment (i.e., rehabilitation) to viewing it as a threat to security, demanding control, surveillance, and punishment... [S]uch practices have exceeded the boundaries of the prison-industrial complex, providing models and perpetuating a shift in the very nature of educational leadership and pedagogy.²⁸

The cultural production and statecraft of the Asian-American model minority, reproduced and institutionally inscribed by the administrative culture of dominant schooling institutions (and accentuated in higher education), is wedged in a peculiar symbiosis with this militarization and penal pedagogical shift in the war on poor urban Black and Brown youth. The Asian-American model minority, as a cultural fabrication situated within a particular historical conjuncture, is something even more than (as Prashad correctly asserts) a “weapon in the war against black America”: it is both the *condition of possibility* and *embodied site of reproduction* of this domestic war, a seminal move in the production of a national(ist) “multiculturalism” that fortifies and extrapolates historical white supremacist social formations—including and especially the burgeoning U.S. prison regime. As such, the Asian-Americanist contestation of the “model minority myth” as inaccurate, deceptive, (anti-Asian) racist, and/or an erasure of the material subordination of poor and disenfranchised Asian populations tends to elide critical confrontation with the militarized and *hegemonic* discursive and social structure through which the myth itself has been articulated.

Thus, against both the patronizing liberal racist valorizations and Asian Americanist contestations of the Asian model minority’s alleged scholastic, economic, and cultural achievement sits a durable (though dynamic) contextual backdrop of state and state-sanctioned racial violence. The preliminary genealogy of post-1970s technologies of criminalization that I am briefly outlining here suggests that the lever through which Asian-American *decriminalization* obtains its social truth—vis-à-vis a self-fulfilling white social imaginary that claims to witness, and subsequently proclaims the creeping ascendance of studious, law-abiding Asian minorities—is the same cultural/political fulcrum that historically militarizes

white civil society against its more ominous Black/Brown racial antagonists and cultural pathogens.

The rendition of the Asian immigrant model minority both facilitates and constitutes the expansion of state capacities in the trajectory of mass-based Black/Brown punishment, providing the schema for an ascendant—though insistently multicultural—white-Asian alliance that manifests conspicuously in such instances as the 1980s and 1990s neoconservative movement to end affirmative action policies (in which Asian Americans were continuously solicited and foregrounded as allies of a white supremacist pro-“meritocracy” argument)²⁹ and the post-1992 *rapprochement* between the stubbornly brutal Los Angeles Police Department and prominent Korean/Asian-American community leaders. The latter example provides an opportune moment of inquiry, if only because current Asian Americanist formations (including Asian American Studies) have largely undertheorized—if not altogether ignored—the implications of such a political coalescence.

Emblematic of this reactionary Korean American–LAPD coalition was a 2002 event entitled “The March Against Crime,” which occurred in the shadow of a massive and nationally publicized investigation of LAPD’s Ramparts Division, a scandal that revealed widespread corruption, brutality, and false testimony by LAPD officers resulting in up to 3000 wrongful convictions, an overwhelming number of which were Black, Chicana/o, Mexicana/o, and Latina/o.³⁰ In the midst of these public revelations of the Ramparts Division as the instantiation of a low-intensity, localized urban state terrorist campaign against Black/Brown communities in Los Angeles, the Korean Youth & Community Center (KYCC) and the Los Angeles Police Department (Wilshire Division) widely circulated a flyer and email which announced, in resonance with Goldwater’s rhetorical precedent: “10 YEARS AFTER THE L.A. RIOTS Our City comes together to CLEAN our Streets.” The flyer/email additionally urged its readers to “speak out AGAINST CRIME and GRAFFITI; and show our STRENGTH as a Community.” Contextualized by the heightened antagonism provoked by the Ramparts scandal, as well as the LAPD’s infamous record of militarized—and often spectacular—violence against racially-profiled people and communities, this presumptive invoking of “our Community” extrapolates the limits of the Goldwaterist racial paradigm. In fact, this Korean-American call for a police-powered “street cleansing” bespeaks the political logic of a multicultural

civil alliance cut on the teeth of the state's mobilization against its non-Korean/Asian, racially pathologized Others.

Chang, writing in the immediate aftermath of the 1992 Los Angeles insurrection, inscribes the context for this emergent white-Asian alliance in his mystification of a Korean American positionality "between" racist whites and "angry" Blacks:

This resentment, fueled by poor economic conditions, can flare into anger and violence. Asian Americans, the "model minority," serve as convenient scapegoats, as Korean Americans in Los Angeles discovered during the 1992 riots. Many Korean Americans "now view themselves as 'human shields' in a complicated racial hierarchy," caught between "the racism of the white majority and the anger of the black minority."³¹

Obscuring the material entitlement which Korean American small business owners represent in relation to poor, disfranchised, non-propertied Black/Brown populations in Los Angeles—most importantly, *property ownership* and the presumptive right to police protection that it elicits—Chang's formulation ironically amplifies a fundamental tenet of model minority discourse while reifying the white supremacist imaginary of urban disorder: In this narration, we are to envision the innocent, naïve, hard working and law-abiding Asian immigrant entrepreneur as the misdirected and unfortunate target of opportunistic Black/Brown aggression against white racism and the police enforced sanctity of private property. Chang's cynical conception of an "angry" Black mob engulfment of Korean Americans (to wit, the lone Korean American fatality during the L.A. rebellion was the collateral victim of a bullet fired by a Korean American shopkeeper, ostensibly intended for a faceless rioter)³² might, in this context, be interpreted as a call to coalesce with the state regime most endowed with the juridical latitude and military capability to protect the urban property interest. Thus, the subsequent show of partnership between Korean American community leaders and the LAPD (even in the face of supposed efforts to salve "Black-Korean relations" in Los Angeles) was neither naïve nor undertheorized, but was instead the public materialization of an emergent, "multiculturalist" political logic. Strategic and laboriously ritualized solidarities with the state, even and especially in its most violent and militarized extremities, become the lever through which discretely articulated "minority" community interests stake claims to political validity, and attempt piecemeal assimilation into the operative functioning of hegemonic

social, political, and cultural institutions. It is precisely this tacit valorization of the state, I would argue, that constitutes and troubles Asian Americanist political formations and their concomitant social justice discourses. Feminist political philosopher Wendy Brown has convincingly argued that such articulations of community and identity cast “the law in particular and the state more generally as neutral arbiters of injury rather than as themselves invested with the power to injure.” She continues,



Thus, the effort to “outlaw” social injury powerfully legitimizes law and the state as appropriate protectors against injury and casts injured individuals as needing such protection by such protectors. Finally, in its economy of perpetrator and victim, this project seeks not power or emancipation for the injured or the subordinated, but the revenge of punishment, making the perpetrator hurt as the sufferer does.³³

Following the trajectory of Brown’s critique, it is worth remarking that it has become a matter of routine for most Asian-American Studies scholars and Asian-American activists to disavow and critique the most bold-faced and cynical enticements toward neoconservative white-Asian political solidarity since the 1980s. Few, however, have addressed the central role of *white supremacist state violence*—most profoundly operationalized in the genesis of post-1970s law and order jurisprudence and the concomitant transformation of the policing and prison apparatuses—in sustaining a *de facto* white-Asian partnership grounded in the entitlements of presumptive civic freedom. Such is the inevitable solidarity that emerges from the dialectic of (white-Asian) decriminalization and (Black-Brown) criminalization.³⁴ Notably, the Asian American activist community’s confrontation with the punitive white supremacist state has at times resorted to making *normative* reference of exceptionally poor and policed Southeast Asian and Pacific Island immigrant populations (most often Laotians, Cambodians, Hmong, Samoans, Vietnamese, and Pilipinos) and undocumented migrant workers as evidence of an Asian/American inclusion in the sweep of the contemporary U.S. punitive carceral formation (such references, incidentally, obscure the constellation of socio-political antagonisms that compel many within these communities to explicitly disidentify with the “Asian American” panethnic/coalition rubric). These examples, which are undoubtedly crucial to addressing the localized specificity of technologies of criminalization targeting poor (Southeast) Asian and Pacific Islander communities, nonetheless fail to displace the

overwhelming production of whites and Asian Americans as generalized *non-targets* of the law and order hegemony's juridical, cultural, and military weaponry. The implications of this condition on the various institutional proliferations and discursive (re)formations of Asian American Studies are profound, if largely uninterrogated.

THE CARCERAL CONDITION OF THE ASIAN-AMERICAN EMERGENCE: RENARRATING THE 1965 IMMIGRATION ACT

Contemporaneous with the emergence of the U.S. prison industrial complex since the 1970s has been the steady—if deeply conflicted—institutionalization of Asian American Studies, as well as the rapid growth of a veritable Asian American civil society (encompassing discretely self-identified Asian American nonprofit organizations, social justice campaigns, faith communities, professional networks, and cultural centers). This historical convergence—or more accurately, historical relationship—between the structural rearticulation of the U.S. prison as a mode of social (dis)organization and mass-based human immobilization, on the one hand, and the substantial expansion of multiply institutionalized civil Asian Americanisms, on the other, composes a central (if generally disavowed) theoretical problem for Asian American Studies. I conclude with a schematic reflection and incipient renarration of the difficulties and possibilities lodged therein.

The epochal restructuring of American global capital—hallmarked by the United States' de-linking from the gold standard in 1971—entailed rapid movements toward deindustrialization in the domestic urban and rural spheres of the U.S. along with the coercive translocation of manufacturing and productive apparatuses to sites in the Third World and global South. Large-scale human displacement was the inevitable result of both movements, and has become the definitive feature—inscribed by the particular remappings of the World Bank/WTO's inception and deployment of structural adjustment programs—of globalization's alleged liberalizations of capital, national borders, and governmental sovereignty. In this way, the historical genesis of the American law and order social formation was made possible by the radical gutting—if not wholesale evacuation—of the industrial infrastructures of urban factory production and rural agribusiness, which effectively divorced large numbers of Black and Brown workers from the structural purview and foreseeable domestic agendas of a quickly

shapeshifting U.S. capital. These workers, who were already tenuously located in the interstices between the global aspirations of corporate capital and the opportunism of a weak and deeply racist U.S. labor movement, were almost instantaneously recategorized in popular and juridical discourse as economically redundant and/or socially disposable populations. Those who were once slated for racialized hyper-exploitation under advanced industrial capitalism were, in the imminent post-industrial law and order moment, ushered toward economic obsolescence, mass incarceration, and civil death.

Running in the wake of this targeted human displacement and immobilization was the impressive demographic growth of Asian immigrant communities facilitated by the passage of the 1965 Immigration Act. A large portion of this human influx entailed the arrival of what Prashad has called the “state-selected model minority” population: the educated, upwardly mobile, property owning, and *petit bourgeoisie*. The U.S. state chose to resolve the labor needs of an emergent service-based, corporate managerial domestic economy by soliciting a privileged, class-selective immigration of professionals and well-schooled proto-professionals from places that had long been the targets of an effective U.S. immigration blockade.

The state, in a master stroke, thus resolved the *domestic* crises of globalization, most importantly the displacement of obsolete Black/Brown working populations (farm and factory workers), by actuating a liberal racist cultural formation within the embryonic institutional productions of a police and prison state: the United States was, in this moment, broadly engaged in a statecraft that proclaimed an abstracted commitment to the time-honored Americanist valor of universal individual rights and freedoms, while erecting a policing and juridical structure that drastically eroded, in policy and everyday practice, the socially reproductive capacities of the very populations that had been profiled and pathologized by the Moynihan-Lewis intellectual bloc. In this way, the class-selective influx of Asian immigrants (and their families) spurred by the 1965 Act, a migration that has formed the condition of possibility for Asian Americanism as a multicultural civil project, has also been accompanied by a massive juridical and economic re-definition of other poor and racially pathologized populations as *criminal and proto-criminal populations*. As Manning Marable wrote in 1983.



[T]he direction of America's political economy and social hierarchy is veering toward a kind of subtle apocalypse which promises to obliterate the lowest stratum of the Black and Latino poor. . . . The genocidal logic of the situation could demand, in the not too distant future, the rejection of the ghetto's right to survival in the new capitalist order. Without gas chambers or pogroms, the dark ghetto's economic and social institutions might be destroyed, and *many of its residents would simply cease to exist.*³⁵

Affirming Marable's speculation, the prison population has expanded by over 1000% in the last twenty five years, with Blacks constituting more than half the prison and jail population and "Hispanics" amounting to at least 15% (this latter estimation is cast in doubt by the state's notoriously dubious techniques of racial categorization and data collection). It is beyond our scope here to delve into the contested sociological and criminological rationales for this empirical "racial disparity" in imprisonment. It suffices to say, however, that regardless of the nominal intent or juridical justification for the astronomical overrepresentation of Black/Brown populations under state captivity, the *social effect* of this racially designated structure of mass imprisonment has been fundamental to the social and racial formation of the United States.³⁶ This normalized condition of massive *racial* immobilization underwrites the constitutive forces of globalization, and has crucially transformed targeted bodies, communities, and populations from hyper-exploited (though still "employable") workers into *unemployable surplus or excess populations*—what former U.S. political prisoner Linda Evans and Eve Goldberg have poignantly called the human "raw material" of the U.S. prison industrial complex.³⁷

It is just as the U.S. prison has morphed into a multilayered structure of civic and social death that Asian Americans have galvanized viable, even thriving renditions of multicultural American civic *life*. Such is the historical condition of possibility for these multiple, civil society-based Asian Americanisms: while the very articulation and material gravity of Asian Americanism sits on the precipice and precedent of the 1965 Immigration Act—an alleged "liberalization" of a historically racist and xenophobic set of policies—we must contextualize this change in federal immigration law as a measure that *further facilitated the effective expulsion of criminalized populations from U.S. civil society*. In this context, the 1965 Act amounts to a selective incorporation of an Asian immigrant population into the normative workings of an embryonic,

“post-civil rights” multicultural civil society. It also suggests a state-proctored cultural and political validation of contemporary Asian-American civil society over and against the durable immobilization, confinement, and enhanced *penal* segregation of other racially pathologized populations. Finally, in the wake of the Immigration Act’s demographic effects, we must retheorize the vexing versatility of the Asian-American model minority “paradigm” as something other than a “stereotype” run amuck: that is, we must understand the cultural *figure* of the Asian-American model minority (both collective and embodied) as a *modality of white supremacy and racial ordering* that exceeds the empirical “validity” of the paradigm itself.

CONCLUSION: THE PROBLEM OF ASIAN AMERICAN STUDIES

I initiate the end of this essay with a set of questions, with the intent of 1) gesturing toward a productive disarticulation of what I perceive as a peculiar theoretical and political stasis within the field of Asian American Studies, and 2) articulating a political desire for a critical intellectual project structured by this historically specific, and ongoing, confrontation with the state of emergency that is the prison industrial complex.

- How has the state-structured influx of Asian and Pacific Rim migrant populations, and the subsequent emergence of contemporary Asian-American communities, helped to further displace criminalized Black and Brown populations and amplify what Marable calls the “subtle apocalypse” of mass-based civic death?
- How might the 1965 Immigration Act be *re-narrated* such that it is understood less as an ambivalent emblem of opportunity, liberal democracy, and freedom, and more as a fundamental facet of an American movement toward new forms of mass-based captivity and bodily immobilization, that is, as the harbinger of new forms of “unfreedom” as primary modes of social organization under the logic of white supremacist global capital?
- Will it be possible to muster the intellectual creativity and political will to articulate a rupturing critique of the field’s operative structural, political, and theoretical assumptions, in order to develop a radical critique of the prison industrial complex that may fundamentally alter Asian American Studies (and Ethnic Studies) as attempted practices of social transformation?

Critical confrontation with the discursive, material, and institutional formation of the institutionalized spaces we call Ethnic

Studies and Asian American Studies is crucial to addressing this current set of challenges. The alleged praxis of these fields has reached a moment of stasis, even as many such departments and programs have come under political attack and been threatened with varieties of planned institutional obsolescence, including the avowed absorption of Ethnic Studies into traditional disciplinary forms and the sometimes cynical deployment of the "American Studies" rubric as the decisive displacement of the already troubled and fractured Ethnic Studies project.

Essential to this unstable equilibrium is the relation—often disavowed though impossible to avoid—between the emergence of Ethnic Studies and Asian American Studies as forms of professional intellectual practice and the enhancement of these fields' identification with and material investment in the increasingly reactionary corporate university/college apparatus. The primary accountabilities of the "multicultural" professional academic class housed within these fields are dictated by the mandates of the corporate university entity, to the extent that the very conception and institutional life of Ethnic Studies and Asian American Studies has become inseparable from the reproduction of the hegemonic American university and college. It is in this sense that the corporate university has found *allegiance with* the regime of the contemporary (post-1970s) prison, evolving into a technology of power that conceives new forms of social disenfranchisement (e.g. the introduction of "race blind" admissions, prohibitive tuition hikes, and the effective end of "public" education).

The contemporary production of the corporate university mutually elaborates the emergence of the prison regime and mass based Black/Brown imprisonment, further facilitating the liquidation of subjects whose political ontology places them beyond dominant disciplinary and normalizing regimes, wherein they must be permanently subsumed to the logic of the punitive. This is to say that there are subjects and populations that, through the material-discursive structures of the American social formation, exist as an embodied crisis, or figures of embedded and productive incoherence. The consistent and sometimes amplified production of non- and subhumans (discovered most profoundly in the shifting historical categorizations of Blacks and Natives, and examined here through the technologies of criminalization juxtaposed with Asian Americanism) constitute the necessary figures of negation and productive figures of crisis for the reproduction and coherence of

modern and postmodern Euroamerican social formations, including and especially the industrialized complex of the corporate university, which itself hallmarks the construction of a “post-civil rights” white civil society. It is here, at the pinnacle of White Reconstruction, that we must reassess and depart from our most comfortable and venerated political-intellectual modalities.

NOTES

1. Angela Y. Davis offers a schematic definition of the prison industrial complex in *Colorlines: Race Culture Action*, Vol. 1, No. 2 (Fall 1998): “When prisons disappear human beings in order to convey the illusion of solving social problems, penal infrastructures must be created to accommodate a rapidly swelling population of caged people. Goods and services must be provided to keep imprisoned populations alive. Sometimes these populations must be kept busy and at other times—particularly in repressive super-maximum prisons and in INS detention centers—they must be deprived of virtually all meaningful activity. Vast numbers of handcuffed and shackled people are moved across state borders as they are transferred from one state or federal prison to another. . . . All this work, which used to be the primary province of government, is now also performed by private corporations, whose links to government in the field of what is euphemistically called ‘corrections’ resonate dangerously with the military industrial complex. The dividends that accrue from investment in the punishment industry, like those that accrue from investment in weapons production, only amount to social destruction. Taking into account the structural similarities and profitability of business–government linkages in the realms of military production and public punishment, the expanding penal system can now be characterized as a ‘prison industrial complex.’”
2. For a full discussion of the schema of “racial formation,” as it is linked to a Gramscian notion of social formation and hegemony, see Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (2nd edn), New York: Routledge, 1994.
3. While the “panethnic” rubric fails to account for the persistence of various political antagonisms that necessarily fracture alleged “Asian American” organizing practices (particularly along the lines of nationality, citizenship, gender, sexuality, and class), the term nonetheless signifies a hegemonic logic for the emergence of various community organizations, grass roots campaigns, academic initiatives, cultural/artistic productions, and entrepreneurial efforts. See Yen Le Espiritu, *Asian American Panethnicity: Bridging Institutions and Identities* (1992) and Espiritu and Lopez, *Panethnicity in the United States: A Theoretical Framework*, *Ethnic and Racial Studies*, No. 13, (1990).
4. See generally *Global Lockdown: Race, Gender, and the Prison-Industrial Complex* (ed. Sudbury), New York: Routledge, 2005.
5. Civil death references the formal extermination of the prisoner’s civil personhood and political subjectivity under the auspices of criminal “conviction.” In addition to being held captive, the imprisoned are actually made immediately

available for enslavement by the state. The Thirteenth Amendment to the U.S. Constitution states, "Neither slavery nor involuntary servitude, *except as a punishment for crime, whereof the party shall have been duly convicted*, shall exist within the United States, or anyplace subject to their jurisdiction." [emphasis added]

6. See Orlando Patterson's seminal work on the centrality of "natal alienation" to the social death of the slave, from the Roman invention of the "legal fiction" of *dominium* ("inner power over a thing") to the racial chattel slavery of the U.S. South, which linked natal alienation to a conception of Black bodily fungibility. Orlando Patterson, *Slavery and Social Death* (Cambridge, MA: Harvard University Press, 1982). See also Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*, New York: Oxford University Press, 1997.
7. This number may be a slight underestimation, as it does not include those incarcerated in mental health facilities, and may severely undercount the numbers incarcerated in children's prisons, "immigrant detention" facilities (including those overseen by the U.S. government outside of its domestic auspices), military prisons, and other state-proctored sites of human captivity. For a basic overview of existing data, see Bureau of Justice Statistics, "Women Offenders," (12/99 NCJ 175688), and "Prison and Jail Inmates at Midyear 2003 (05/04 NCJ 203947); Amnesty International, "Not Part of My Sentence: Violations of the Human Rights of Women in Custody" (Washington, D.C.: Amnesty International, 1999); Irwin, Schiraldi, and Ziedenberg, "America's One Million Nonviolent Prisoners" (Washington, D.C.: Justice Policy Institute, 1999), and Justice Policy Institute, "The Punishing Decade: Prison and Jail Estimates at the Millennium" (Washington, D.C.: Justice Policy Institute, 2000).
8. In using these categorical racial terms here, I am specifically invoking the state-sanctioned and state induced technologies of racialization that rely on the rigid socio-political and discursive distinction between "Black" and non-Black racial categories, while also referring to the troubled and contradictory terms through which the state attempts to render the categorical presence of poor (non-Black) urban and rural Mexicans/Chicanos, Puerto Ricans, Dominicans, Salvadorans, and other "Hispanics" and "Latinas/os." As the following portion of the essay concisely shows, the peculiarity of the United States racial formation since the 1960s has involved the state's inscription of a generalized categorization of racialized "minority" populations that distinguishes between Asians on the one hand, and "Blacks"/"Browns" (specifically Mexicans and Puerto Ricans) on the other. Not coincidentally, those Pacific Islander populations that have been historically marginal to the construction of Asian American panethnic coalitions—Pinays/oys, Samoans, Native Hawaiians, etc.—are the same which have been overwhelmingly addressed by the U.S. police state as constituents within a criminalized Black/Brown racial continuum.
9. Barry Goldwater, 1964 Nomination Acceptance Speech, 28th Republican National Convention, reprinted by *The Washington Post*, May 30, 1998.
10. *Ibid.*
11. Some useful background texts include: Jael Silliman and Anannya Bhattacharjee, Eds., *Policing the National Body: Race, Gender and Criminalization in the United States*, Boston: South End Press, 2002; Christian Parenti, *Lockdown America: Police and Prisons in the Age of Crisis*, New York: Verso Press, 2000; Jill Nelson, Ed., *Police Brutality: An Anthology*, New York: Norton, 2000; Stuart Hall et al., *Policing*

- the Crisis: Mugging, the State, and Law and Order*, New York: Holmes & Meier, 1978.
12. Parenti's *Lockdown America* provides a rigorously documented and extensive overview of this landmark period in U.S. policing, including summations of the shifts in federal budget commitments and multiple juridical overhauls that accompanied the dramatic expansion of police forces across local, regional, and federal scales.
 13. Barry Goldwater, Acceptance Speech at the 28th Republican National Convention.
 14. Giroux, p. 53.
 15. Daniel Patrick Moynihan, *The Negro Family: The Case for National Action*. Washington DC: Office of Policy Planning and Research, United States Department of Labor, 1965.
 16. Oscar Lewis, *La Vida: A Puerto Rican Family in the Culture of Poverty—San Juan and New York* (1966), p. xlv. See also Lewis's *Five Families: Mexican Case Studies in the Culture of Poverty* (1959) and "The Culture of Poverty," *Scientific American*, October 1966.
 17. Lewis, *La Vida*, p. ii.
 18. See Ruth Wilson Gilmore's seminal (re)definition of "racism" in the essay "Race and Globalization," *Geographies of Global Change: Remapping the World* (2nd edn); Johnson et al., eds., 2002.
 19. Notably, while the focus of Lewis's *La Vida* was the "Puerto Rican family," he considered the culture of poverty to clearly encompass "Negro family life" in the United States as well.
 20. Success Story of One Minority Group in U.S., *U.S. News & World Report*, December 26, 1966, p. 73.
 21. Vijay Prashad, *The Karma of Brown Folk* (2001), p. 4–6.
 22. Robert S. Chang, "Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space," *California Law Review*, No. 81, p. 1264.
 23. *Ibid.*, p. 1264.
 24. "Behind the Power of 41 Bullets: An Interview with Ruth Wilson Gilmore," *Colorlines*, Vol. 2, No. 4, Winter 1999–2000.
 25. Nicole Davis, "Schoolground or Police State?" *Colorlines*, Vol. 2, No. 4, Winter 1999–2000.
 26. Henry A. Giroux, *Public Spaces, Private Lives: Beyond the Culture of Cynicism*, New York: Rowman & Littlefield, 2001, p. 54.
 27. Giroux, p. 49.
 28. Giroux, p. 45.
 29. The most important book-length study of this ongoing attempt to articulate and consolidate a white-Asian political bloc remains Dana Takagi, *The Retreat from Race: Asian-American Admissions and Racial Politics*, 1992.
 30. See "Los Angeles Police Scandal May Soil Hundreds of Cases," *The New York Times*, February 16, 1999.
 31. Chang, "Toward an Asian American Legal Scholarship," p. 1264.
 32. See the documentary film *Sa-i-gu*, Kim-Gibson and Choy, dirs. San Francisco, CA: National Asian American Telecommunications Association, 1993. This film has played a seminal role in circulating a discourse of Korean American marginalization by the corporate media and its lack of "protection" from the Los Angeles Police Department, the latter of which apparently provoked Korean American

storeowners to arm themselves in paramilitary fashion to protect their property from "rioters" during the 1992 uprising. Central to the film's narrative is a generalized negrophobia founded on the specter of (property) victimization at the hands of an unnamed, though unmistakably Black, unleashed and lawless urban mob.

33. Wendy Brown, *States of Injury: Power and Freedom in Late Modernity*, Princeton: Princeton University Press, 1995, p. 27.
34. This contention derives in large part from an ongoing conversation with Prof. Jared Sexton (African American Studies, University of California, Irvine) based on his conference presentation, "Proprieties of Coalition: Between 'Blacks and Asians,'" paper delivered at "Blacks and Asians: Encounters Through Time and Space," Boston University, April 2002.
35. Manning Marable, *How Capitalism Underdeveloped Black America*, 1983, p. 253.
36. See Marc Mauer, *Race to Incarcerate*, 1999. The Sentencing Project, a Washington, DC-based progressive policy think tank, has also published a useful bibliography of key law review articles. Among the most useful to informing this portion of my argument are: Alfred Blumstein, "Racial Disproportionality of U.S. Prison Populations Revisited," 64 *University of Colorado Law Review*, 1993; David Cole, "The Paradox of Race and Crime: A Comment on Randall Kennedy's 'Politics of Distinction,'" 83 *Georgetown Law Journal*, 1995; Angela J. Davis, "Prosecution and Race: The Power and Privilege of Discretion," *LXVII Fordham Law Review*, 1998; Michael Tonry, "Racial Disproportion in US Prisons," 34 *British Journal of Criminology*, (1994); and The Sentencing Project, "Hispanic Prisoners in the United States," pamphlet, 2003.
37. Linda Evans and Eve Goldberg write, "Like any industry, the prison economy needs raw materials. In this case the raw materials are prisoners." *The Prison Industrial Complex and the Global Economy*, 1998.

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