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**ANTI-SUBORDINATION AND THE LEGAL STRUGGLE OVER CONTROL OF THE "MEANS OF COMMUNICATION":** Lexicon Dreams and Chinese Rock and Roll: Thoughts on Culture, Language, and Translation as Strategies of Resistance and Reconstruction

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**BIO:**

\* Professor of Law, CUNY School of Law. This essay moves along several levels of "translation." The first is the inevitably distorted translation of my LatCrit remarks, a presentation that incorporated performative elements - visual, music, and story-telling - onto the pages of a written text, especially a law review text. In the absence of a multi-media CD law review format, I have given up the attempt to "translate" my part of the presentation on Chinese Rock and Roll. My presentation also implicated linguistic, cultural and translation issues, the languages of Chinese and English, international/domestic feminist and human rights discourses, and implicit cross-discipline "translations" as I borrow from other literatures and methodologies outside of law. I thank all the participants at the LatCrit III workshop for their generous feedback and encouragement, and the opportunity to learn from the rich LatCrit jurisprudence "under construction." I especially thank Frank Valdes and Lisa Iglesias and the student editors for this space to tease an essay out of part of my conference remarks, and to Juemin Chu for her Chinese calligraphy.

**SUMMARY:** ... Whether the diary entries were an appropriation of Penelope's story by my son, reaching back thousands of years, across gender differences, and through language and cultural frames, there is something provocative about a Chinese-American, teenage man-child imagining the diary entries of a Greek woman after the fall of Troy. So I begin to rethink cultural appropriation as a possible strategy of resistance and re-vision that may not operate across the neat polar logic of oppressors and victims, or dominant and marginal sites of struggle. ... In this limited space, I would like to draw upon my human rights scholarship and exchange work in China and focus on two related categories of analysis and performance--culture and language - to explore the opportunities and dangers presented by cultural and linguistic appropriation for anti-subordination strategies. ... For example, engendering law refers both to the deconstruction and exposure of the gendered dimensions of legal rules, process, and legal analysis and to the process of introducing a gender perspective to transform the content and methodology of law." ... I ask a Chinese legal scholar how he could still be so clearly committed to continuing his research and theoretical work on political reform and protection of democratic rights through law. ... On a moonlit Miami night, at the edge of the ocean, a group of us laugh, talk, and sing a Hawaiian children's song endlessly until we're hoarse. ...

**[\*1003]**

Good morning. I want to first thank the wonderful conference organizers, especially Frank Valdes and Lisa Iglesias, for their hard work. This is my first LatCrit conference and it has been a very special experience. Because of LatCrit's broad theoretical concerns and inclusive political project to expand coalition strategies, not I trust my remarks today on culture and language across a transnational frame will not sound

too "foreign." I'd like to take advantage of these supportive, critical and challenging conversations, to think out loud about a couple of ideas that might not fit neatly within traditional legal discourses. Although Mother's Day (tomorrow) is a Hallmark-created holiday, it seemed appropriate to insert a mother-child story as narrative preface. When my son, James, recently pointed out that I might be violating his copyrights in telling stories about him as I often do, I promptly invoked the *privi leges* of the powers of creation. So I begin with a story about my teen age son that suggests I think the complex dialectic between cultural inscription and cultural transformation.

After assigning the *Odyssey* last year, my son's English teacher asked the students to edit and produce a newspaper of the times. The collaborative project that James' small group produced was creative and [\*1004] very funny, and included a number of his contributions - real estate ads for Mt. Olympus (no vacancies), obituaries on Ajax, Paris, and Achilles, an editorial on fate (can't be avoided), and an opinion poll among "read ers" about whether Odysseus should have killed the suitors. There was an "exclusive" - "What Penelope was Really Thinking while Odysseus was Away"--a set of Penelope's "diary entries" re-imagined by my son. The entries are set in the eighth, twelfth, and nineteenth year of the *Odyssey*, and convey Penelope's loneliness, anger and helplessness in the face of the suitors who have taken over her home, and fear and hope for Odysseus' safe return. I was shocked to read in the entry of the nineteenth year this line - after expressing hope that Odysseus will come home soon, the entry asserts "a woman has needs." My sixteen year old teenaged son writing "a woman has needs"??? Okay, it was clearly time to have a talk.

As I reflect on what was actually embedded in my copyright exchange with my son on his rights to his own life's stories, I am struck by how deeply we both have absorbed the stories of possessive individualism that underlie the dominant western copyright and intellectual property regime. Yet, it is his attempt to (re)imagine Penelope's reality that gives me hope for the possibilities of transcending existing paradigms. Whether the diary entries were an appropriation of Penelope's story by my son, reaching back thousands of years, across gender differences, and through language and cultural frames, there is something provocative about a Chinese-American, teenage man-child imagining the diary entries of a Greek woman after the fall of Troy. So I begin to rethink cultural appropriation as a possible strategy of resistance and re-vision that may not operate across the neat polar logic of oppressors and victims, or dominant and marginal sites of struggle.

Against neo-post-colonialist and imperial histories, the foreign-born, multi-lingual, and cross-cultural common grounds shared by many Latinos and Chinese (and other Asians) in the United States, suggest discursive and transformative resources and insights that Asian and Latino/a critical theorizing makes visible in ways that dominant United States race paradigms often elide. In this limited space, I would like to draw upon my human rights scholarship and exchange work in China and focus on two related categories of analysis and performance--culture and language - to explore the opportunities and dangers presented by cultural and linguistic appropriation for anti-subordination strategies. As an example of a cross-cultural feminist intervention in the international human rights arena, or in Berta Hernandez' phrase, an attempt at translating the untranslatable, I will talk about a Chinese-English project on women and law that I co-edited for distribution at the Fourth World [\*1005] Conference on Women in 1995. n2 As a specific example of the complexities of mass culture as a site of global capitalist commodification, cultural appropriation, and resistance, I'd like to invoke the music of the "founder" of Chinese Rock n' Roll, Cui Jian, to invite the listener to imagine as it were, the sound of resistance across time, space, and cultures. I was also originally on the democracy anti-subordination and globalization intersection panel for this LatCrit workshop, so I think that you will probably hear some continuing resonances of that train of thought. Finally, drawing upon cultural studies frameworks, n3 and focusing on multiple social spheres of meaning production and struggle, I am implicitly suggesting that the roles of law, progressive lawyers and critical legal theory need to be situated within a complex matrix of social transformation processes that include multiple sites of contestation and mediation.

First, to invoke culture is to deploy "one of the two or three most complicated words in the English language."<sup>4</sup> As I use the term culture in this essay, I am suggesting several interrelated concepts and processes reflective of shifting negotiations of meaning and power. Culture can refer to a set of values and institutions, constructed by social forms, practices, and ideological beliefs that are constantly in negotiation. In this sense, language and rock and roll both reflect and constitute contested social forms, practices and ideological beliefs. Culture is also a problematic construct deeply implicated in the history of colonialism. As Nicholas Dirks has argued, culture is a colonial formation and colonialism was itself a cultural project of control.<sup>5</sup> At the same time, it is perhaps more accurate to refer to cultures by the way different cultures are interrelated, interdependent, and also often in tension and conflict with each other. The plurality of cultures or reference to "a" culture also signals resistance to an assumed Eurocentric norm as in western "civilization." Beyond simply acknowledging the discursive complexity of the concept, we need to mine our relationships to these multiple cultures for theoretical and political resources. For example, despite being caught between the cross-fire of international human rights debates about universalism and cultural relativism,<sup>6</sup> culture as a category of analysis, and [\*1006] cultures as materially situated sites of struggle, culture(s) can be sources of transformative insight and power. Cultures are not static. Cultures make us even as we resist and create different, more just social forms, practices and beliefs. We therefore need to interrogate our different invocations of "culture" in different settings and pay critical attention to methodological and substantive questions. In part, what we "need to understand is not what culture is, but how people use the term in contemporary discourses."<sup>7</sup> Who gets to define culture(s)? Who uses (misuses) specific assertions of what is culture (or coded for tradition)? What purposes do various deployments of culture serve? Who benefits? Who is harmed? How do we surface harms and injuries - these questions implicate the responsibility of progressive scholars for knowledge production, legitimization of different forms of knowledge, and responding to the implications of our theoretical work for social transformation strategies.

#### Language and Translation

"We are the ink that gives the page a meaning."<sup>8</sup>

I once wandered into a powerful dream about finding a set of lost dictionaries carefully nestled in silk lined bamboo baskets in an old magical bookstore. For a very long time afterwards, I carried that dream and a sense of loss that I could not and did not buy them while in that dream store. But, when I was working on my English-Chinese Lexicon on Women and Law project, I realized I couldn't buy those dictionaries - we needed to write them ourselves, to reinvent ourselves linguistically and culturally.<sup>9</sup> But we do not write on a blank page.

In locating myself in relationship to language and culture, I am speaking as a Hong-Kong born Chinese who immigrated to the United States as a child. The dialect of my father is Toisan, the rather guttural southern dialect of peasants. My mother speaks Hong Kong Chinese, the Cantonese of Hong Kong princesses. I did not receive formal Chinese language training until graduate study in East Asian Languages and Cultures at Columbia. But then it was not in the familiar languages of home, but in Mandarin, putonghua,<sup>10</sup> the national dialect of The People's Republic of China and a nationalist tool of linguistic and cultural unification and standardization. As a Cantonese speaking person, my putonghua will forever be accented by my southern origins. Reflecting years of traveling and working in China, and speaking putonghua, my Cantonese has acquired a northern accent. To most Chinese speaking audiences, my Chinese is probably "accented" and marked as "outsider." When I listened to the conversations yesterday about people seeing, or thinking in Spanish, I realized that thinking or speaking in Chinese does not translate for me into "an/other" language, but rather invokes the many languages that flow from my cultural inheritance.

As I awkwardly juggle languages - never with 'native' fluency, I hear Margaret Montoya's calls to reclaim our native heritages, to deploy bi-lingualism and mixing of languages and disciplines as strategies of empowerment and to subvert dominant monolingual discourses, and to linguistically reterritorialize public legal discourse. n11 Articulated in a Chinese register, perhaps one small contribution of these remarks to the LatCrit/Asian critical jurisprudence project is to problematize the linguistic territorialities of our native heritages and tongues. For me to linguistically claim my Hong Kong heritage is not to claim some native authenticity, but to confront a former English-speaking British colony. "Returned" to Chinese sovereignty in 1997, in what Rey Chow has named a recolonization, n12 the "hand-over" was marked by public theater of a grand scale and colonial exits with a stiff upper lip, all carried along by mediatized narratives of nativist pride that played well domestically and abroad. The 'return' was referred to as *wuiguie* (return) in Cantonese, and in English, the hand-over. Whatever the locution, Hong Kong was the object being returned or handed over, while the people of Hong Kong were conspicuously absent except as industrious little inhabitants of an essentialized object of praise, the beloved poster child of capitalism. The official hand-over speeches, the swearing in of the new chief executive, Tung Chee Hwa, the provisional legislative council members, and the judges were in *putonghua*, and for the non-ethnic Chinese judges who did not speak Chinese at all, in English. Cantonese, the language of the Hong Kong Chinese was not spoken at all. In this staged performance, what would it mean as Rey Chow asks, for Hong Kong to write in its own language, that is, not English or standard *putonghua*, but the vulgar language of the people - the combination of Cantonese, broken [\*1008] English, and written Chinese? What can it mean to maintain Hong Kong's society and way of life, to envision a democratic Hong Kong if its language is not even its own?

On hand-over night, one of my uncles recounted a story about a Hong Kong restaurant that offered a special of a complimentary bottle of English wine. In Cantonese, *soong yingkok jiaow*, a language play on "to send off (kick out?) the English." We all laughed at this typical Cantonese humor and double entendre. Although the language play echoed the official Chinese nationalistic sentiment, at least I think it suggested that language still retains its potential as a tool for resistance. Indeed, multiple meanings that undermine the assertion of monolithic and imposed interpretations, and gestures towards the possibilities of language as a site for the appropriation of new values and meanings. n13

And in my dreams,  
 I can never quite see clearly enough  
 I pop my contact lens out of my eyes,  
 and put them in my mouth,  
 conscious of their fragility, their inherent danger  
 They always splinter - glass slivers of vision, and I freeze  
 Or in dreams, my mouth is full of a sticky dark paste  
 which gets thicker and thicker  
 hopelessly cementing my teeth together  
 burying and trapping my voice  
 I wake - and dream  
 of spitting the glass slivers out  
 Transformed into crystalline words

reflecting the clarity of sunlight through ice  
 Transparent bridges out into the world  
 spitting the silencing cement-mud out  
 spitting out my bloody teeth  
 Exhaling one long easy breath through  
 the open wind cave  
 of my finally freed mouth

The genesis of the English-Chinese Lexicon on Women and Law (Lexicon) can be traced back to a specific moment during a particular conference, "Engendering China: Women, Culture, and the State," held at Harvard University and Wellesley College in 1992. I was sitting in the audience, sans translation headphones, when I began to wonder what were the translations traveling through those headphones to my Chinese colleagues. What were the translations for contingency, subjectivity, [\*1009] counter-hegemonic reification, gender, feminism and so forth - the numerous terms used, assumed as translatable and as translated, in this "cross-cultural" exchange? In the years that followed, I became more and more interested in the pragmatic level of working across differences and increasingly aware of the English-centric context of "international" settings. I wanted to pay attention to the foundational bridges for our interactions, to language itself. Otherwise it seemed to me that as the Chinese expression goes, we were sleeping in the same bed dreaming different dreams. Interestingly, through the years, in discussions with translators and women activists working in Spanish, Russian, French, Arabic, and others languages, I discovered that they also struggled with similar linguistic, cultural, and political translation issues. n14

Through a process that included workshops, and discussions with Chinese women's studies researchers and activists, my co-editor, Xin Chunying and I began the collection of terms that Chinese women identified as confusing, unclear, or simply incoherent in Chinese translation - a kind of foreign-sounding Chinglish. We coordinated a team of United States-based and China-based volunteers from a wide range of disciplines including law, women's studies, anthropology, history, literature, and psychology. In the end, due to limited resources and time, and a decision that it was more important to have something useful for distribution for the Conference rather than nothing at all, we completed a manuscript of only 175 English terms (out of the over three-hundred terms that were suggested) on women's health, human rights, development, and feminist theories and practices. As an effort to introduce Chinese expressions to non-Chinese speaking readers, we also decided to include 30 Chinese expressions that were in common usage that we felt reflected prevalent Chinese social attitudes about women. I want to briefly talk about a few of these terms to illustrate some of the difficulties we faced in this task of 'translating the untranslatable' and to reflect on what these difficulties suggest about the complexity of multi-cultural interventions.

"Affirmative action" is a good example of the political incoherency of literal translation. I had seen "affirmative action" once literally translated into Chinese as affirmative action, jiji ([img f:'[data.m.mia.53-4]mia41501.eps',w3.,d1.]), (as in affirmatively to act). But without any social or historical context to support this phrase in translation, this term was meaningless and conveyed to me a bizarre image of hyperactive people. Another more common translation is chabie duidai yuanze ([img f:'[data.m.mia.53-4]mia41502.eps',w5.6,d1.]), "the principle of dealing with [\*1010] difference." Both translations needed the invocation of a situated civil rights struggle, culturally specific notions of rights, equality and equity, private and public spheres of action, and assumptions regarding the role of government and law. In the end, instead of the more common translation, we adopted a fairly long winded phrase, weile shixian pingdeng er shixing de chabie duidai yuanze ([img f:'[data.m.mia.53-4]mia41503.eps',w13.3,d1.]), clearly not a Chinese "translation," but Chinglish. However, supported by a general descriptive entry, n15 as the term

made its awkward appearance in Chinese, our provisional translation choice retained the situated cultural, political, and legal resonances of its English genealogy.

"Empowerment," shi juyouquanli ([img f:'[data.m.mia.53-4]mia41504.eps',w4.6,d1.]), was another term that presented similar political issues. In our translation discussions, the questions that we struggled with included: What was the source of the power? What verb does one use given different Chinese verbs for power relative to power as from above or from below? Where do we insert and invent the verb for "the power" from within each of us and collectively from groups? In the entry discussion, we adopted several unsatisfactory verb choices, such as, "to get" power and "to receive" power, but settled on the phrase that literally suggested, that empowerment is "to make all with power." n16

**[\*1011]** Like "empowerment," "engendering" was another term that required linguistic contortions and we discovered that even in English, the term was difficult to define. The final entry reads:

"In common English usage, engender as a verb means to produce, to cause, or to give rise to. Feminists have expanded its usage and meaning to refer to the process of drawing attention to the ways in which existing social concepts and structures have embodied and perpetuated gendered notions of men and women and their proper roles in society. As a feminist theoretical method, engendering refers to the integration of gender as an analytical category into diverse disciplines and issues. For example, engendering law refers both to the deconstruction and exposure of the gendered dimensions of legal rules, process, and legal analysis and to the process of introducing a gender perspective to transform the content and methodology of law." n17

Feminism is often translated as nuquan zhuyi ([img f:'[data.m.mia.53-4]mia41505.eps',w3.9,d1.]), but many of the Chinese women on the project had a distaste for the negative political resonances in Chinese of the chuan (power) and suggested nuxing zhuyi ([img f:'[data.m.mia.53-4]mia41506.eps',w3.6,d1.]), literally the 'ism of the female-sex.' We settled on including both translations to acknowledge the ongoing discursive and political negotiations and to signal the non-authoritative intentions of the lexicon and our goals of surfacing different intentions, and translation difficulties. In the entry, we referenced the multiple Western and Third World feminisms and included a discussion of the history of the Chinese translation of Western feminist texts in the early twentieth century and the debate about the two competing translations for feminism. n18

Because time is short, I can only quickly discuss two other terms - gender and sex. In Chinese, sex has been translated as xing /xingbie ([img f:'[data.m.mia.53-4]mia41507.eps',w3.6,d1.]). Gender has also been often translated as xing, sometimes xingbie, sex-difference. But some of us on the project team wanted to make a clearer distinction between the social constructedness of gender versus the biological connotations of sex so we suggested shehui xingbie - ([img f:'[data.m.mia.53-4]mia41508.eps',w3.6,d1.]) 'social-sex.' Others in the group pointed to how "weird" this sounded and yes, I had to agree that socially constructed sex is weird. Our entry notes this discussion:

"There is no exact term for gender in Chinese that adequately conveys the social constructed aspect of the concept. In recent years, the term gender has been translated into Chinese as xingbie, or shehui xingbie. Xingbie, which also is used to mean sex, does not convey **[\*1012]** the contingency implied in the English term and retains the biological connotations of xing. Shehui xingbie, meaning literally "social sex," still has a close affinity to biological sex. The concept of gender as developed by Western feminists is viewed as culturally specific and Western by many Chinese women activists and scholars in women's studies. Nevertheless, a familiarity with Marxist materialism enables many educated Chinese to also perceive human beings as socially constructed and environmentally determined." n19

Take the difficulties briefly introduced by the discussion of these few terms and multiply them a hundredfold, and you will get some sense of the translation, political, and ideological complexities of the project. In addition to the substantive work, the administration, funding, and organization of the project presented enormous challenges. Initially without any funding support, the publication of the finished volume was later generously supported by United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Programme (UNDP), and the Ford Foundation. Thousands of free copies were distributed at the Fourth World Conference on Women held in Beijing in 1995.

In some ways, the translation negotiations we engaged in for the Lexicon project were also about cultural appropriations. In a definition that "bristles with uncertainty," cultural appropriation may be defined as "the taking - from a culture that is not one's own - of intellectual property, cultural expressions or artifacts, history and ways of knowledge." <sup>n20</sup> However, the reference points to the "appropriations" of international feminist human rights discourses and their deployment in "domestic" Chinese context, were destabilized by the diasporic positionings of the women in the project. <sup>n21</sup> Mostly Chinese-born, but educated both in China and in the United States, the Chinese women working on the translation work of the project were simultaneously engaged in cultural importation, exportation, translation, and critical assessments of the "transplants." Questions of who is appropriating what, for whom, and why become a more complex process and negotiation not neatly enclosed within "domestic" frames. The discourses of authenticity and nativism are simply not adequate to address the political and theoretical challenges and opportunities presented by these necessary negotiations.

**[\*1013]** The nightmarish struggles with the Chinese printers for the control of the Lexicon during the final production stage is too long a story to tell. What I also took away from this project was a sense of the pervasive ways political control can be asserted over language, and therefore, over what can be said and thought. <sup>n22</sup> Suffice it to say that the frustrations of negotiating through the stifling Beijing heat to resist assertions of "acceptable" formulations, seem in retrospect, almost worth it. In a 1995 reader survey, *Zhongguo Dushu Bao*, a national Chinese paper (and I should note not a feminist paper by any definition), the Lexicon was named as one of the most important books published in China. An International Ladies Garment Workers (ILGW) union language study group of Chinese immigrant women in New York City also ordered copies of the Lexicon as English-language study material. Beyond its limited print run, I hope that the reprinting and circulation of the book inside China continues, undermining current copyright regimes, even one that purports to protect my intellectual property rights.

CODA: A Little Rock and Roll Anyway

At the end of my LatCrit presentation, despite our moderator displaying not only the hangman's noose, but the executioner's ax as a sign of my time being up, I managed to squeeze in a few minutes of the music of one of China's most famous rock and roll stars, Cui Jian. Cui Jian's song, *Yiwu souyou* (I Have Nothing) from 1986, was an anthem for a whole generation of young Chinese, and the Chinese Democracy Movement. In 1989, Cui Jian performed for the thousands of student protesters and hunger strikers in Tiananmen Square. Dressed in battered People's Liberation Army (PLA) fatigues and a Mao jacket, performing **[\*1014]** with his signature gesture of metaphoric defiance, Cui Jian sings while blindfolded with a red piece of cloth. In invoking a powerful subversive critique of Communist Party imposed regimes of meaning, his performance and the song is subversive because in socialist China where every thing is supposed to be better, you cannot claim you have nothing. Under the surface of a love song, in his husky raw voice so unlike the pretty voices of pop Chinese male singers, he pleads: "It's ages now I've been asking you: When will you come away with me? But all you ever do is laugh at me, 'cause I've got nothing to my name ... When will you come away with me?"

China Journal, October 1989

Beijing slowly appears in the gray morning mist--the buses, bicycles, an occasional army truck passes by along on the wet streets. Sometime in the night as we slept, it must have rained. On the corner, in the slight drizzle that is still coming down, an old woman is doing her morning exercises. I watch her rhythmic waving of her arms, back and forth, as if aimlessly directing invisible traffic. Walking in the brisk, cold October morning, I pass two women busy frying fresh fragrant you-tiaos (crullers) for the line of Chinese getting breakfast on their way to work. I am in China again, but the images of our airport arrival, the PLA soldiers waiting at the bottom of the airplane steps and the armed soldiers at key intersections, are chilling reminders this is not the China I left a year ago.

Xidan market in Beijing at night--cooking smells of roasted chestnuts and skewers of meat filled the crowded streets. People were everywhere, shopping, eating, as if life goes on, as if nothing happened. On ChangAn Street, there are no signs or vestiges of the violence and bloodshed just a few months ago. Yet the next day, as I make my way through the crowded rush hour, the loudspeakers blare over and over a message of stability, order, and warning: "Welcome to Xidan ... Keep care of your belongings ... While in a crowd, be more polite to others. When accidents happens, do not crowd or push around. Observe safety and hygiene rules ... Be on your guard against bad elements who make trouble. If you observe bad elements report immediately to 666-6549 ... Bei jing is our great capitol." It is afterwards that I then noticed the public information "arrests" boards on the street, displaying pictures of those who have been captured, together with the weapons confiscated.

**[\*1015]** As Chinese leaders continue to insist, no major changes have been or will be made, only tiao zeng (adjustments). As the facts and the correct position are set forth in official speeches reprinted in newspapers, and studied in political study, the leadership is clearly retrenching into their either-or worldview in which the maintenance of order is paramount. The "no fire hoses and rubber bullets" or "no one died in the Square truth" is offered to justify the necessity of using tanks and guns to end the threat to Party power posed by the chaos and disorder. The official "truth" - a small group of counterrevolutionaries were responsible for the chaos and bloodshed. Each citizen must continue to engage in self-examination, analysis and criticism.

A Chinese musician friend of mine encourages me not to feel such despair for China. He tells me to not only look at the surface of things as described and reinvented by leaders and officials. The reality is underneath, in the spirit of the people. You have to listen very closely, sometimes without appearing to listen, to hear the messages of the spirit, sometimes released silently like anonymous air balloons carrying messages of defiance floating above the city. I ask a Chinese legal scholar how he could still be so clearly committed to continuing his research and theoretical work on political reform and protection of democratic rights through law. He answers: "At present in China, it is hard to do this work. But the starting point is the future."

As an underground phenomenon that emerged in contrast to state sponsored and controlled tongshu music (officially sanctioned popular music), Chinese Rock and Roll, is one of the key arenas of cultural resistance before and after the 1989 democracy movement. China in the post-Cultural Revolution, post-Mao, open reform period, is a country that one might say has swallowed hope, line, and sinker some of the dominant economic stories of Western industrialized market systems despite resulting inequities and unsustainability of these market "reforms." Yet, within China and in the global Chinese diaspora, Chinese democracy activists, scholars and artists struggle for a more just social order in the face of enormous material and ideological obstacles. These domestic Chinese and global human rights struggles are connected through the interconnected global flows of people, capital, and technology. I think it is

**[\*1016]**

deeply ironic that Rock an infiltration of the West, closely tied to the huge multinational record industries, n24 has been now played back, used, reinvented and appropriated by Cui Jian and other Chinese rock musicians like him.

Cui Jian has said that Rock and Roll is an ideology, not a set musical form. He understood this notion of culture as an arena of struggle. Cui Jian's music is a powerful reminder of the subversive capacity of mass cultural forms to undermine, and evade state mechanisms and regimes of political control over thought, language, and the imagination. Trained as a classical musician, a wonderful trumpet player in fact, Cui Jian played with the classical Beijing music conservatory until his Rock and Roll life force him to leave. By reinventing Chinese folk songs, even sacred Army songs, inserting traditional Chinese instruments, and the distinctive singing styles of barren desolate or vast mountainous landscapes into his music, Cui Jian geographically displaces the West in his appropriations of Western Rock. At the beginning of one his concerts in 1989, he tells the audience: "If Western Rock is like a flood, then Chinese Rock is like a knife. We dedicate this knife to you." n25

Under the full perfect moon in the endless Beijing sky  
Young people sitting on the wooden railings lining the covered walks of Ertan Park,  
Perched on the gray shadows of rocky islands  
in the middle of the lily ponds black waters,  
thin students in white short sleeve summer shirts,  
young women in spandex leggings,  
teenagers with frizzed out shoulder-length hair,  
metallic and leather collars and wristbands,  
They defy the night, screaming, dancing to  
the electronic blasts of banned Rock and Roll  
Beer bottles thrown  
Landing in splinters of glass and beer showers  
Xiao He, in a tight red tanktop, muscled arms gripping the guitar  
His hoarse "blow it up!" crashing  
through the huge speakers on both sides of the stage,  
And the response of the crowd  
Fists up, lit matches and cigarette lighters  
hundreds of flickering firelights  
[\*1017] fill the darkness of the gardens  
New offerings to The Temple of the Sun n26

In the human connections engendered by the LatCrit conference that made it so powerful and empowering, I also hear music. On a moonlit Miami night, at the edge of the ocean, a group of us laugh, talk, and sing a Hawaiian children's song endlessly until we're hoarse. Weaving through our theoretical work, music is a way to share and reclaim our spirit resources. In the Asian American movement of the sixties, community

artists like Chris Ijima (now a law professor), Joanne Nobuko Miyamoto, and "Charlie" Chin performed songs that brought people together, that expressed outrage against the exploitation and suffering of our peoples, and that celebrated our strengths. n27 In building a multi-coalition progressive movement, we still need songs of outrage and celebration. I suggest the formation of a "Chorus for Justice," a chorus in which anyone can sing, in which we teach and learn each other's songs, a chorus in which we sing in multiple languages, invoking the power of diverse and rich cultural ground, reappropriating mass culture as a site of struggle and reconstruction--a chorus that will teach us to listen for, and to nurture the music of transformative resistance and celebration.

**FOOTNOTE-1:**

n1. See Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory*, [85 Cal. L. Rev. 1087 \(October 1997\)](#), [10 La Raza L.J. 1 \(1998\)](#); Francisco Valdes, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, [2 Harv. Latino L. Rev. 1 \(Fall 1997\)](#).

n2. Sharon K. Hom and Xin Chunying, *English-Chinese Lexicon of Women and Law (Yinghan Funnu Yu Falu Cehuishi)* (1995) [hereinafter Hom and Chunying, *Lexicon*].

n3. See Bruce Ziff and Pratima V. Rao, eds., *Borrowed Power: Essays on Cultural Appropriation* (1997).

n4. Raymond Williams, *Keywords: A Vocabulary of Culture and Society*, Revised Edition 87 (1983).

n5. Nicholas B. Dirks, ed., *Colonialism and Culture* (1992).

n6. In the context of debates about "Asian" perspectives on human rights, I have argued that the polar logic and state-centric paradigm that dominates these debates needs to be critically examined and opened up to include powerful transnational actors, international, regional, and domestic NGOs, and grassroots activists. See Sharon K. Hom, *Commentary: Re-positioning Human Rights Discourse on "Asian" Perspectives*, 3 *Buff. J. of Int'l L.* 251 (1996).

n7. John Tomlinson, *Cultural Imperialism* 5 (1991).

n8. From a detail of artist Glenn Ligon's piece, "Prisoner of Light No.1," shown at the Max Protech Gallery.

n9. Whenever I invoke dreams upon academic ground and begin to feel nervous about legitimacy, I remind myself of the words on a wonderful T-shirt that Dean Rennard Strickland sent out one holiday season. It said "Dreams have power."

n10. I use the pinyin phonetic system to indicate the putonghua pronunciation. This system was developed in the mid-1950's by the Chinese Communists and has been adopted as the standard romanization system on the mainland.

n11. See Margaret E. Montoya, *Academic Mestizaje: Re/Producing Clinical Teaching and Re/Framing Wills as Latina Praxis*, [2 Harv. Latino L. Rev. 349 \(1997\)](#).

n12. Rey Chow, *Between Colonizers: Hong Kong's Post Colonial Self-Writing in the 1990's*, *Diaspora* 2:2 (1992), 151-170, at 153.

n13. I reflect on the return in a piece constructed out of a series of journal entries that travel from the Chinese Consulate in New York City, to Beijing, to Hong Kong and back to New

York, a kind of 'homing towards disappearing origins.' See Sharon K. Hom, *Return(ing) Hong Kong: Journal Notes and Reflections*, 23 *Amerasia J.* 55 (1997).

n14. For a discussion of the issues presented for women human rights activists working in Spanish, see Claudia Hinojosa, *Translating Our Vision: Organizing Across Languages and Cultures*, *Global Center News*, No. 4, 8-9 (Summer 1997).

n15. The entry reads: "Affirmative Action originally referred to the policy adopted by the United States. Federal government requiring all companies, universities, and other institutions that do business with the government, or receive Federal funding, to 'take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, sex, or national origin.'" The term has since come to refer to programs designed to remedy effects of past and continuing discriminatory practices in the recruiting, selecting, developing, and promoting of minority group members. It seeks to create systems and procedures to prevent future discrimination and is commonly based on population percentages of minority groups in a particular area (i.e. quotas). Factors considered are race, color, sex, creed, and age. Affirmative action often involves timetables and numerical goals, which has aroused some of the fiercest public policy debates. Opponents of affirmative action have charged that these policies can only be achieved by "reverse discrimination" against white males. International women's rights NGOs have also advocated the adoption of quota percentages, timetables, and affirmative action training programs as tools to address the existing gender imbalance in the decision-making levels of United Nations and governmental bodies." Hom and Chunying, *Lexicon*, supra note 2, at 12-14.

n16. The entry reads: "Empowerment refers to a process by which people reclaim power over their own lives and communities. It refers to both an individual and collective process. The term empowerment was first systematically used by the Black Power Movement in the United States. This movement emerged in the 1960's as a militant response to perceived failures of the Civil Rights Movement to make real improvements in the lives of black people. Militant black power leaders advocated the removal of power from the white-dominated power structure to improve the condition of black people, with some groups advocating the use of violence. These radical groups were crushed by the authorities, and many blacks turned to electoral politics as an empowerment strategy. The empowerment concept was adopted by other social movement groups in the 1960's, including the Asian American Movement, and the women's movement. In the national and international arenas, the specific strategies for individual and collective empowerment include consciousness-raising and education about the causes of inequality and oppression and grassroots organizing to address particular issues such as nuclear disarmament, violence against women, or environmental protection." Hom and Chunying, *Lexicon*, supra note 2, at 100.

n17. *Id.* at 102.

n18. *Id.* at 128-132.

n19. *Id.* at 146.

n20. Bruce Ziff and Pratima V. Rao, eds., *Borrowed Power: Essays on Cultural Appropriation 1* (1997).

n21. See Sharon K. Hom, *Chinese Women Traversing Diaspora: Essays, Memoirs, and Poetry* (1999) for an edited collection of cross-discipline narratives that explore this diasporic terrain, and reimagine diaspora as beyond spatial location, claiming multiple loyalties to our communities of origin and choice.

n22. In 1963, Mao had asserted, "one single [correct] formulation, and the whole nation will flourish; one single [incorrect] formulation, and the whole nation will decline." Michael Schoenhals, *Doing Things With Words in Chinese Politics* 2, 3 (1992). Under the Chinese Communist Party, control over political expression by the state is accomplished through a politicized criminal enforcement system, regulation of the mass media, attempted restrictions on use of technology, and direct control over language through tifa (formalized approved language formulations proscribing and prescribing appropriate terminology). For example, in 1965, the formulation, class society (jieji shehui), was inappropriate for use in a socialist society, because socialist society was and must be distinguished from the class societies of the past. Therefore, only the formulation, you jieji de shehui (a society that contains classes) was correct. Schoenhals, *supra* at 2-7. However, the power and relationship of language to material and political order goes back to imperial China when official lists of taboo terms (bihui) were compiled and enforced. "In the Analects, Confucius argued that when names are not correct and what is said is therefore not reasonable - the affairs of the state will not culminate in success, and the common people will not know how to do what is right. Consequently, the Prince is never casual in his choice of words." Schoenhals, *supra* at 2. In contrast to the legal struggles in the United States against English only laws for example, as China attempts to build a "rule of law," law is not the means of control over language, but the possible tool by which political power can be controlled and made democratically accountable.

n23. The production, distribution, performance, and content of Tongsu music were circumscribed by the ideological imperatives of the CCP. Tongsu music served two functions: propaganda and a complex and integral role in the debates in China about cultural "self-reflection" (wenhua fansi) and "roots seeking" (xungen). Andrew F. Jones, *Like a Knife: Ideology and Genre in Contemporary Chinese Popular Music* 4 (1992).

n24. In 1978, five transnational music corporations controlled through ownership, licensing, and distribution, more than 70 percent on an international music market of more 10 billion dollars. By 1987, this market had grown to more than 17 billion dollars. See Reebee Garofalo, *Understanding Mega-Events: If We Are the World, Then How Do Change It?*, In *Technoculture* 253 (Constance Penley and Andrew Ross, eds (1991).

n25. Jones, *supra* note 23, at 1.

n26. The old city of Beijing was marked by temples where the imperial offerings and sacrifices were made, for example The Temple of the Sun (Ertan), The Temple of the Moon, (Yuetan), and The Temple of Heaven (Tian Tan). These Temples still stand: public spaces, tourist sites, and as I suggest in this poem, sites for potentially subversive new "offerings."

n27. *A Grain Of Sand: Music For The Struggle By Asians In America* (Paredon Records 1973).