

Law, Culture, and Society: LatCrit Theory and Transdisciplinary Approaches
Identifying Identities: The Politics of Community in Historical and
Contemporary Perspective

*743 ENCUENTROS AND DESENCUENTROS: REFLECTIONS ON A LATCRIT
COLLOQUIUM IN LATIN AMERICA

Joshua Price [\[FNa1\]](#)
Maria Lugones [\[FNaa1\]](#)

I. Introduction

This is a commentary on the LatCrit Colloquium on International and Comparative Law that took place in Buenos Aires at the University of Buenos Aires Law School from August 12-15, 2003. We both teach and write about the conjunctions and intersections of race, gender, colonialism, and sexuality in the United States. We also engage in activism and popular education in the significant, multifaceted, multi-located struggle against these oppressions in the United States. Given this work, LatCrit speaks to the center of our concerns. LatCrit has focused on the intersection of race, gender, sexuality, poverty, economic exploitation, and criminalization in its deep entanglement with the law both conceptually and methodologically.

Because of the character of LatCrit, we looked at the discussion in Buenos Aires as opening new venues, new possibilities of communication on these issues among Latin Americans and Latinas/os in the United States. But, as we describe in what follows, the discussion did not meet this conjunction of oppressions head on. It rather missed it: un desencuentro, a missing of what we think of as a necessary conversation among subaltern peoples. In this response to the conference, we place an emphasis on methodology and on the theory/practice connection. We decided to write each in our own voice because we are ourselves differently located at these intersections.

II. In Joshua Price's Voice

I will begin by saying what I experience as the desencuentro. I had the impression oftentimes that rather than navigating across the many divides, people talked past each other, in part because they used words current within their circle (for example, free speech advocates, Habermasians, *744 classicists, porteno postmodernists, queer studies scholars working with travestis, gay scholars working on marriage, and a small representation of LatCrit scholars from the United States). The political figures, legal scholars, efforts at legal reform, and cases cited also manifested geographical and political divides that were only minimally glossed over. It appeared to me many of the presentations were thus inwardly without a clear sense one would need to cross to the spaces of other people.

Why is this so weighty? It exposes some of the obstacles to be surmounted for a dialogue across the differences among the people who attended. It is crucial to add here that LatCrit is the kind of theoretical/practical movement which both rests and thrives on that kind of dialogue. If my impression is accurate, then the experience casts in relief

some of the epistemological tendencies, attitudes, and linguistic practices that characterize on the one hand the way different segments of Argentineans (maybe portenos) relate activism and theory and on the other, some of the contemporary orientations or directions of LatCrits and critical race theorists more generally. It offers an example to ponder, to diagnose, to figure out, in the name of constructing spaces for communication, connection, and coalition.

It is not that people did not intend to communicate with one another. Many in attendance actively solicited conversation on the important issues of culture, politics, language, and law they were treating. Others spoke with conviction, urgency, and thoughtfulness of the political struggles in which they were immersed. So, part of what is important to understand is that many came for conversation. The desencuentros are weighty in part because many people seemed to have come to the meeting to pay some attention to each others' endeavors.

Yet attention and intention may not be sufficient to arm a space for deep communication. I was often unsure if people had a mutual sense of each other, or of the centripetal forces that had brought people to this meeting, into discussion with one another. Lacking that, people manifested to a greater or lesser extent courtesy and respectful attention to issues and topics outside their ken.

But let me return to the question, Why is this so weighty? A gathering of this order under the name of LatCrit here in Argentina, in Latin America, affords the opportunity for progressive Latino scholars within the United States, many of them subaltern subjects, and their allies, both dedicated to working against multiple forms of oppression, to meet and exchange with subaltern subjects from Latin America.

Was there dialogue about the desencuentro I perceived? Or was the desencuentro itself too big, the rift between people too large, the conference too brief to generate such an exchange?

**745* If any of my analysis is on target, then this suggests that preparatory work for a gathering of this nature might benefit from participating in a further moment of critical education. What I mean is some space, some mechanism to take stock of what the dialogue might be; conceivably it could include some way for the participants to gain a sense of what others are taken by, what direction they are taking with their work and why. But since this was a gathering under the rubric of LatCrit, perhaps it would be fruitful to generate a shared understanding of the politics, rhetorics, jurisprudence, of LatCrit scholars. This could serve as the basis for dialogue with people who come from distinct social, intellectual, and political formations. Progressive legal scholars and activists in Latin America might engage the moment, the material, the critical experience to think in a new way about neocolonial forms of domination, the role of the state, the police, and the U.S. government in comparative - and linked - analyses of racism, xenophobia, oppression in every day life. The rhetorical forms of such reflections would themselves undoubtedly challenge normative legal discourse.

Given that people were located on multiple axes of oppression/domination, this gathering also offers the opportunity to think and rethink communication across distinct lines of subordination and privilege. The differences among us - in economic terms, in terms of our fluency in various theoretical and everyday languages, in racial and gender terms, and in sexual terms - all shift as we move across national frontiers. Thus it also behooves us to think about complex communication especially across differences of power and privilege. [\[FN1\]](#)

Focusing on the terms of the exchange would afford us the opportunity for inclusion of those who have a privileged insight into, e.g., the workings of the racial state, the concrete mechanisms of neoliberal globalization, processes of gender formation, or public violence against travestis and other sexual outlaws. On the other hand, failure to think about exchange could sustain misunderstanding, misrecognitions, facile dismissal, fragmentation, or distortions. Power often comes with a set of blinders about its use: English speakers can use English unthinkingly, as if it were the default language for intellectual exchange. People racialized as white can talk and think as if race does not matter. Sometimes Latin Americans who are racialized as white in Latin America speak to me as if Latino studies, African-American studies, Asian-American studies, or multiculturalism reflect a peculiar obsession of people in the United States of which Latin America is gratefully free. Some have commented to me [*746](#) on "minority studies" in ways that suggest they presuppose it is just like Area Studies, a Cold War legacy or the result of a U.S. preoccupation with naming and categorizing rather than the hard won result of generations of struggles by people of color, despised sexual minorities, women. So part of preparing the space would be to look for a way to discuss the differences in perception of what is crucial, what is pressing, what can be deferred, and maybe a history or genealogy of political struggles - and how those differences in perception are often engendered by different degrees of power and privilege in one's culture or society, or in the entire world, if one thinks of imperialism.

While I perceived a desencuentro, I also see a scene like this as a potential place to restage our social, historical, and intellectual horizons and the points where they might meet. I would like to see this as a chance to seat myself with, to learn from, to contribute to, with and among Latin Americans, people of color from the United States, white folks who are willing to inventory their own racial location and history. I do not assume that Europe produces the theory that will help me understand my reality or that of others from North or South America.

I am open, however, to the possibility that what was transacted escaped my attention or understanding. How do I know what was gained, what dialogues were engendered, what connections were made between people, traditions, meanings, forms of resistance? How do I know that what was perceived by me as a desencuentro was not the beginning, or the continuation, of something very important? I am certainly eager to continue to learn about what networks and conversations were born at the conference.

In that spirit, I would like to reflect critically on my own embodiment, cognitive tendencies, modalities of my own identification during the conference. In that way, I can signal how what I perceived might itself be a distortion. I also will frame my position to exemplify the sort of preparation that people like me might need to go through for the sake of dialogue and in this way contribute to the groundwork for the exchange I hope for.

I am a North American, a white anglo anthropologist. I see myself sitting in the audience at the LatCrit conference in an academic space, the Faculty of Law at the Universidad de Buenos Aires. A temptation to which I have seen some succumb is for a member of the dominant class to claim insider knowledge through conducting interviews, living in a place, or through book learning. These ways are not in themselves sufficient and they can buttress a person in the belief that he or she knows what is going on, what the problems are, what is being said. Though I am neither Latino nor Latin American, I may have too much of a tendency to think I [*747](#) understand what is being transacted before me, the points of misunderstandings, of misses.

As I picture myself listening and thinking I mark in myself two pernicious tendencies. On the one hand is a tendency to think that I have some sense of how the people in the

room frame the situation, what it means to them, what brings them here, who they are talking to, who they imagine those interlocutors to be, what they want out of it. On the other I have a tendency to slide easily into the role of a watcher, an observer, someone who sits quietly and comes to his own judgment. I take it that both of these tendencies are engendered by my own racial location, and maybe my gendered location also.

I would like to move to the position of participant. This is a double movement that I see as a defection from whiteness. I defect from the certainty and confidence, the sense of rightness of my perceptions. The rightness of my perceptions seems to rest on a certain centeredness in my own perception of the world. The privilege is the privilege not to move from that centeredness in my own perceptions, not to be particularly bothered that there may be other perceptions or readings, and to grant them at least in principle equal status to my own.

Though I am privileging a racial reading of my own actions, another reading of my tendencies leads in another direction - to treat them as the product of my political formation and experience. One could read me as a person who comes to critical judgment of what I see rather than taking in what I see without having a particular political reaction or reading of the scene. Instead of seeing me as a silent observer, perhaps what I was doing was tempering my tendency to come to a judgment by watching, waiting, studying the situation. I may have been trying to get a solid reading of the situation, listening, trying to sort through the various messages and readings of the situation in order to come to some sense of what is going on before making a critical intervention.

I would like to keep all these readings at least provisionally open. I come from a people, yanquis, white folks, los blancos, people who often act imperiously, who as a people are convinced of their view of the world. Yet I am not condemned to that attitude, confidence, or certainty.

I would like to join others in working toward a future here in the Americas, at the intersection of a Latin American thinking and antiracist work, oriented towards praxis, with people of color in the United States. Central to that project is a lively possibility of movement across the Americas, where the United States is included with an emphasis on the subaltern United States, rather than on the United States as an imperialist in its relation to Latin America. For that movement we need spaces of theoretico-practical engagement that do not isolate or fragment the realities *748 of the subaltern. So when I feel acutely a sense that people are speaking past each other, engaged in projects that do not meet, I bemoan it. I would like to struggle against the divides, the dichotomies, not in the name of sameness but rather in the name of preparing the space for crossings. Encuentros, conferences, events that work against the intersection of forms of domination particularly across large geographical divides offer a critical possibility for future thinking, new horizons at a difficult, timely crossroads.

III. In Maria Lugones's Voice

These comments arise from my excitement upon hearing that there was going to be a conference on LatCrit in Buenos Aires. My comments are meant to demonstrate an intention to enter into a conversation on race and racism at the point of the law from someone who has lived in the United States as a woman of color, an Argentinian mestiza, for close to forty years. There, I have devoted myself, both my intellectual and practical energy, to combating oppressions at the intersection of race, gender, sexuality, economic deprivation and exploitation, colonialism, including internal colonialism and neocolonialism, and cultural domination, including linguistic domination. I lived my first twenty-two years in Buenos Aires, marked not-so-subtly in racial terms as criolla, india,

and mora. None of that was meant to be to my advantage. I did sometimes find the space to take advantage of the treatment accompanying the naming. For example, I found space for my non-girlish, machona ways, my first acting out my embodiment as a tortillera, within that naming since my teachers found them "normal" for an indigenous looking gal.

I am immunodepressed because I have recently had a kidney transplant, so I visited the conference only through the comments of my friends who attended or participated in it, including Berta Hernandez-Truyol who came to visit me at my home. I have known, taught, and appreciated her work for a long time as thoroughly within that new tradition of LatCrit that arose from within and in response to the Critical Race Theory movement in the United States. Both Critical Race Theory and LatCrit have been produced by people of color in the "belly of the beast," where racism and the law form a tight noose around the lives of many of our contemporaries. So, I am in tight conversation with this movement and I was looking forward to a conversation being started that really addressed, head-on, questions of race in Argentina.

My understanding is that the conference, for a variety of reasons, did not focus on the intersection of race and law. Since I heard all the reasons ^{*749} second hand, I will not dwell on them except to give the large and rather vague sense conveyed to me that the reasons centered on racial talk not being within the intellectual or everyday discursive practices in Argentina. I come to Argentina every year and every year I give talks in different venues, sometimes in Buenos Aires, sometimes in conferences or seminars in the provinces. Every time that I have given talks that address racial questions in connection to gender and sexuality in Argentina, particularly in Buenos Aires, the material has been met as extremely controversial. The audience has always become divided, some finding a necessary voice, some finding an unnecessary splitting of bonds among women, for example, that do not need to be questioned by placing race in the middle as a harsh wedge. So, as I put some thoughts down, they are meant to be provocative as to why I think we need a conversation, and why we need to find the voices for such conversations. My rhetorical style follows the methodologies of the Critical Race Theory movement, in particular Derrick Bell's tendency to imagine hypothetical, alternative histories.

What if white Europeans both in the United States, in Argentina, and the rest of America Latina, succeeded in getting rid of all people who have historically been treated, used, perceived, abused, and denied personhood as non-white people? I am thinking of people of African, indigenous, and Asian descent, and mixed people, Afro-Latinos, Chicanos, Criollos, Mestizos. Would that give us reason not to think about racism? Because of the accomplished fact and the fact as an accomplishment? Because of the shame? Because of the sense of victory? Because there is no reason to do so since the only racialized people left, white people, have never made it their business to own their racial mark and to own what they did to get it, particularly what they did to other people? Because so long as we think about class, race is subsumed, contained, a minor marker? I think when I hear people in Argentina say that the LatCrit conference was not really going to focus on race, this sort of consideration immediately occurs to me. As I said, as an Argentinian mestiza, I was always aware of not being white in porteno society. In my own experience, those around me in Buenos Aires have always engaged in racial talk. So, why do intellectuals not talk about racial talk, including their own? Do the descendents of white Europeans have a vested interest in keeping the racial question down?

If this imaginary scenario were realized, I would think we would have very good reason to talk about racism. But we would also have good reason to talk about how after the successful racial "cleansing," and because of it, race would continue to construct society, including the law. So, how do we get to have the conversation? What barriers do we need to cross? What political/conceptual struggles need to be understood in a different light? Many intellectuals have tended to confuse going beyond ^{*750} identities with going beyond

racism. I think that is a mistake. There is certainly no tight logical or conceptual connection between race and identity. Racism, the society organizing phenomenon, [\[FN2\]](#) is crucial to the history and division of labor in the Americas, crucial to the denial of land and personhood to both Afro-Latino Americans and indigenous Americans. Race is itself both a racist concept and a racist social phenomenon. Race thus conceived cannot be an identity. It is assigned to people in a gesture of domination for the purposes of exploitation, extermination, social erasure, social diminution. That is, racism is a form of oppression, a worldwide, contemporary form of oppression with a long and mutating history. Indeed, many of us have addressed questions of identity in our struggles to resist interconnected oppressions. Responses to racism sometimes have given rise to identities by those resisting through the formation of networks of affiliation. But the relation between racism and identity is not an easy relation. One may have a clear sense that certain identities have become obsolete and that certain conceptualizations of identity have become corseting without thus denying both the existence of racism and races, including the white race.

But, of course, there has not been such emptying of the United States and Latin America of non-white folk. We are all over the place and we are placed up against the law and often against each other by those who have the power to do so. We are also placed within a tortured legal history. The criminalization of people of color in the United States, the significant possibility that one will spend part of one's life in jail because of one's race, places us within the prison-industrial complex. That relation to the prison-industrial complex organizes both lives and labor at the point of the law. That relation has parallels in Argentina that we need to discuss. But surely all of the border checkpoints, and all the legalities organizing the movements and containments, and violence with respect to people from Paraguay, Peru, Bolivia, Mexico, El Salvador, Honduras, Guatemala, many of them indigenous or mestizo, are organized around race and organize race: they organize the transnational labor force as racialized, and race is used over and over as an easy slide between persons of value and worthless, shiftless, animal-like, primitive beings. Racism and cultural domination constitute each other.

So, why would we not have reason to talk about racism across all of Latin America, including within the encompassing sense of Latin America the variegated and large Latino/IndoLatino/AfroLatino/AsianLatino life in the United States? This writing is looking for that conversation *757 throughout the Americas. The questions, at first, have to do with how to talk; who has the voice to do so; what discourses tame or erase the voices that can speak race critically at the point of the law; how to form and place and historicize the conversation; who to invite to the talking table; what can we think of as the rhetorical strategies that would permit one to see, touch, understand race where it is said not to exist. The device I used above is part of the methodology of this way of talking about law and race (see both Critical Race Theory and LatCrit in this respect). I used an imaginative construction, a kind of hypothetical, but one that hits close to home and then from within it I can make vivid why we indeed need to talk about law and race.

But the conversation is not just about law and race because oppressions intermesh and sexualities, genders, economic deprivation and exploitation, and cultural domination are all intensely touched and organized by racial codes and racialization. Who makes and who rejects solidarities and intimacies with those who inhabit, incarnate, create a style at the most dangerous, riskiest, conjunctions, intersections, of gender, race, poverty and sexuality? Should it be those less assimilated to the niceties and tyrannies of bourgeois heterosexuality, for example?

Footnotes:

[\[FNa1\]](#). Joshua Price teaches in the Division of Human Development and in the Program in Philosophy, Interpretation, and Culture at Binghamton University.

[\[FNaa1\]](#). Maria Lugones teaches in the Philosophy, Interpretation, and Culture Program at Binghamton University and at the Escuela Popular Nortena, a center for popular education. She is the author of *Pilgrimages/Peregrinages: Theorizing Coalition Against Multiple Oppressions*.

[\[FN1\]](#). See Maria Lugones, *Pilgrimages/Peregrinages: Theorizing Coalition Against Multiple Oppressions* (2003).

[\[FN2\]](#). I am referring to the racial state and capitalism as marked by what Anibal Quijano calls the "coloniality of power." Quijano, Anibal, *Colonialidad del Poder, Cultura, y Conocimiento en America Latina*, 9 *Anuario Mariateguiano* 113-21 (1997).