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CLUSTER VIII: CULTURAL AND
POSTCOLONIAL CRITIQUES IN LATCRIT
THEORY: CLUSTER INTRODUCTION: One
Hundred Light Years of Solitude: The Alternate
Futures of LatCrit Theory

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BIO:

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SUMMARY: ... I. Introduction: The Nine Billion Names of LatCrit ... In the 21[su'st'] century context of globalization (or "galaxification"), perhaps "one hundred light years of solitude" is a whimsical, but more meaningful metric of struggle, hard-won self-knowledge, suffering and pain that approaches the stakes that LatCrit scholars seek to invoke. ... When coupled with the force-field generator of sovereignty and the tractor beam of jurisdiction, the track towards a parallel universe, an alternate reality, becomes tantalizingly but intermittently visible. ... Heinlein used a strategy of distance to lampoon and critique human society and customs as Smith, a "Stranger in a Strange Land," a true outsider, came to be interpreted and ultimately destroyed by an angry and unruly humanity. ... Professor Inniss' insights into the costs of assimilation and outsider status are of course timely for LatCrit scholars. ... In this world, in Alta California's capital, San Juan Capistrano, a mysterious author toils on a science fiction novel, *Yo No Soy Marinero*, that takes place in an alternate universe where the United States won the War of Southern Independence as well as the War of U.S. Aggression that ended in 1848. ...

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I. Introduction: The Nine Billion Names of LatCrit

This essay introduces a cluster of pieces from LatCrit VI, which addresses "Cultural and PostColonial Critiques in LatCrit Theory." Instead of engaging in a conventional introduction, I want to invoke, first, the Latin American "Magical Realist" authors, such as Gabriel Garcia Marquez, n2 and then a cluster of mid-

century science fiction writers such as Arthur C. Clarke, n3 Ursula K. LeGuin, n4 Robert A. Heinlein, n5 Isaac Asimov, n6 Ray Bradbury, n7 and Philip K. Dick, n8 to [*1032] analyze this cluster of pieces in terms of describing alternate realities and parallel universes. While Gabriel Garcia Marquez wrote evocatively about the tangled fates of the Buendias clan in the imaginary land of Macondo, n9 perhaps we are no longer in a time frame where a hundred years of solitude makes the sense it once did. In the 21[su'st'] century context of globalization (or "galaxification"), perhaps "one hundred light years of solitude" is a whimsical, but more meaningful metric of struggle, hard-won self-knowledge, suffering and pain that approaches the stakes that LatCrit scholars seek to invoke.

While at first blush, it may seem that science fiction authors are intellectual poles apart from law professors, in reality they may have much in common, for better or worse. To Derrick Bell, perhaps all law and commentaries on law have an inescapable science fictional component. n10 Law is, after all is said and done, the crystallization of a society's power relations, however rigid or fluid members of that society may choose to allow such crystallization to occur. When Professor Bell chooses to cast a question about Space Traders from another planet making a offer to whites in the U.S. to take away all of the blacks in a Faustian bargain, isn't he making a point about the multiple Faustian bargains that have been made in the past and that we are making in the present?

Aren't all contracts really a type of "force-field," composed of the fantastic materials of assent, promise and consideration? Aren't legal concepts like "property," mass consensual illusions wherein inanimate materials of the world acquire incredulous powers that stretch like time machines and repulsor fields, across space and time? Isn't a concept like a "legal right" a kind of force-field generator that can be wielded like a light saber, offensively or defensively? And aren't our normative arguments really arguments premised on deep pictures of our social life that may have strong and perhaps disturbing elements of utopian aspirations or dystopian fears? [*1033] Whether written in an apologetic, triumphal, extrapolative, critical or paranoid vein - science fiction may be about metaphors, and many of our metaphors may embody science fiction as well.

Thematically, the following pieces address the theoretical models we impose on our social life and the real consequences of adopting/engaging those models on individuals and groups. One important theme is sounded by Adrien K. Wing and Ana M. Otero: a tradition of postcolonial state power that frustrates external relations with the sovereign postcolonial state and minimizes or makes invisible problematic internal relations between the postcolonial state and its subjects. Thus, in Castro's Cuba, the West Bank or contemporary Pakistan, outsiders may call for an expansion of "Civil Society," (equated with expanded market relations) when structurally "Civil Society" may remain truncated and stunted, precisely BECAUSE OF, not in spite of, the ruling postcolonial government. Further complicating matters are external political, military and economic forces in all three situations that are pushing for reinstatement of aspects of colonialism and exerting pressure for so-called neo-liberal "reforms." There is much that is at stake when we draw the conceptual map describing the state, civil society and political society - and much that is contingent and shifting across time and space.

Lolita Buckner asks us to consider the mapping of insider-ness and outsider-ness itself, frequently occurring in our world along geographic, but also along racial, ethnic, religious or sexual lines, and less frequently, along the line between human and non-human - what are the stakes of these mappings? Boaventura De Sousa Santos is the most explicit in inviting us to imagine an alternate world, a parallel universe, where public/private and state/civil society are redrawn along tantalizingly, but not impossible, new lines. What pitfalls lie to destroy utopian visions and what pockets of counter-hegemonic resistance lie to trouble and transform present and future dystopias?

In different ways, the pieces in this cluster ask us to simultaneously critique and imagine parts of our social life-worlds. Whether it is to be a world in which "Human Rights" are more than an empty vessel waiting for meaning to be poured into (Adrien K. Wing); whether to dream about alternate realities like "Neustra America" (Boaventura Santos), to envision a chastened island stripped of both contemporary and historical romanticized ideology (Ana M. Otero), or to try and glimpse the ghost in the machine whether incarnated in positronic neural circuits or twinned spiral of deoxyribonucleic acid (L. Buckner Inniss) - the authors in this cluster ask us to consider alternate realities or parallel universes. These are not alternate universes in the conventional science fiction sense, that [*1034] is, universes/realities that are identical to our own EXCEPT for a crucial detail. n11 Instead, these authors ask us to consider multiple realities that exist simultaneously in the spaces of our world, their

simultaneity sometimes invisible or hidden, sometimes painfully, glaringly in contradiction with so called "reality."

In Arthur C. Clarke's short story, "The Nine Billion Names of God," he posited a Tibetan Buddhist Monastery high in the Himalayas that had purchased a state-of-the-art mainframe computer in order to complete the divinely ordained task of their monastic order which was to compile every possible permutation of the name of god, hence the title: "The Nine Billion Names of God." As the new computers in the Tibetan Lamastery approached the complete catalog of the nine billion names of god, the stars in the sky began to blink off. While Clarke's teleological premises may be seen as whimsically speculative, on a certain level the project of LatCrit scholarship seems to be to promote and provoke the articulation and construction of multidimensional plural identity positions, a mapping of the multiple axes and avenues upon which Lat identities both individual and collective, have been and continue to be dynamically reinscribed. Hence, the "Nine Billion Names of LatCrit." However, unlike the Tibetan monks and the names of god, LatCrit is anti-teleologic, at least in the first instance. By pluralizing, by complicating, by particularizing the many times, places, spaces and ways that Lat may come to be understood and inhabited, a static, monolithic and reified concept of a unitary "Lat" is disrupted, creating new sites for potential struggle and contestation. Understanding the nine billion names of LatCrit may also help us learn that the objectives of a movement like LatCrit lie in the direction of alleviating oppression and subordination in whatever guises they may appear in any of the alternate realities and parallel universes that we find ourselves inhabiting.

II. The Left Hand of LatCrit

Ana Otero's essay is an eloquent story of moving between alternate realities, that of 1960s Castro's Cuba and the current reality of being a Professor at the Thurgood Marshall School of Law and a Municipal Court Judge for the City of Houston. n12 Are her [*1035] alternate realities mutually exclusive? Clearly not, as she explores how her subjective memories fit into a larger historical pattern of events stretching back centuries. n13 Are her realities painfully contradictory? Professor Otero explains how this is so.

Professor Otero's contribution to this symposium arose from a panel at LatCrit VI entitled, "Cubans Without Borders." Now, since the Treaty of Westphalia in 1648, the concept of sovereign nation-states with clearly demarcated geographic boundaries has been a widely understood and conventional way of understanding our world. Nonetheless, it has a certain

element of the fantastic to it. Are we to understand that there is a semi-porous force-field of some type that exists at the edge of every nation that has actual, physical consequences for human beings depending on which side of this invisible force field they find themselves born or living in? While borders may be so commonplace that we do not pause when encountering them, their cultural, jurisdictional and physical effects on human beings and communities are indeed the stuff that science fiction is made from. Borders can be understood as charged force fields, with consequences that matter.

Borders coupled with ideology are undeniably potent. Much of the history of the twentieth century can be understood as a struggle between competing ideologies, a clash between deep and perhaps irreconcilable pictures of social life of earth. Professor Otero does an excellent job at describing how the raging streams of history converged in Cuba: European colonialism from 1492 onward, slavery, indigenous genocide and the blindly voracious world capitalist system to produce a sugar-driven (as well as tobacco and coffee) plantation economy by the mid-19[su'th] century, followed by a half century of insurrection and bloody civil and political disorder, culminating in the Spanish-American War in 1898, and ending literally by 1901, in a situation that may be understood as a military behemoth (the United States) generating an inexorable "tractor beam" that politically and economically held the more vulnerable Cuba in thrall. n14

While Cuba was ostensibly independent from 1902 to 1959, Cuban society was plagued with numerous deep-seated ills as Professor Otero points out that there were "[numerous] U.S. interventions, fractious political groups, incessant rebellions, unfettered public corruption, economic instability, erratic sugar price fluctuations, and a succession of presidents "whose terms were characterized by venality, nepotism, incompetence, graft, and [*1036] despotism." n15 With political leaders who have been referred to by nicknames such as "The Shark" n16 or "The Butcher," n17 it is unsurprising that in 1933, a revolution sought to sweep these corrupt regimes from office, n18 but proved unable to root out the deeper prevailing political culture, leading to the elevation of Fulgencio Batista in 1952 and his infamous partnership with U.S., gangster Meyer Lansky to promote Havana's gambling industry. Enter Fidel Castro.

Professor Otero acknowledges the Roshomon-like quality of contemporary Cuba; how it appears radically different, depending on what perspective an observer is looking. From within the U.S., looking across 90 miles of ocean and backwards over 40 years from 2001,

"Cuban exiles, homeless and bereaved, [in] forty years of solitude have not quelled their desperate hatred for Castro's regime ... [and their loss is] imbued with an emotional fury that is unforgiving and intransigent." n19 Professor Otero writes that "the Cuban people, ...people like my biological family, who have endured austere years of unprecedented rigors, ... confront a stark and bleak reality which forty years of failed promises and exhortations can no longer hide." n20 To some that gaze on Cuba from a perspective of leftist Third World struggles originating in a Manichean struggle between the Soviet Union and the U.S., "the Cuban model represents the solution for the "multifaceted, social, economic, and political problems of development." n21 And of course, there is the perspective of the Cuban elites and entrenched government officials, eager to hang on to what privileges they have secured for themselves.

In her 1968 novel *The Left Hand of Darkness*, Ursula K. Le Guin [*1037] imagined a society on a world called "Gethen" in which one of the most fundamental characteristics of human experience, gender, was not fixed at birth, but was fluid, dynamic, contingent. n22 Each individual on Le Guin's Gethen was androgynous, potentially male and female - at particular times in their biological cycle, Gethenians would become either male or female in order to reproduce, after which they would revert to the state of potentially male or female androgyny. On many different levels, Ms. Le Guin was asking us to consider what the world would be like if we relaxed the polarities (such as male and female) that worked to define our world. Cuba, likewise, presents LatCrit scholars with a chance to step outside the box, to rethink polarities (ideological and otherwise) that apparently make sense within the domestic boundaries of the U.S. political imagination (left/right), but which swiftly become incoherent outside of those borders. How are we to think of Marxist ideology after the collapse of the state-based bureaucratic communism exemplified by the former Soviet Union? How are we to reconcile the nationalist yearnings for unity expressed by Cubans beyond borders and forty years of communist rule? Is it possible that a third way might be found? Francisco Valdes has offered five preliminary guideposts to finding such a third way, beyond the stale bi-polarities of the past:

- (1) Stay independent of the prevalent bipolarities and their politics of oppression ...
- (2) Insist on critical (and self-critical) approaches to Cuban reconciliation and reconstruction ...
- (3) Frame reconciliation and reconstruction around egalitarian vindication of the "three generations of human rights" ...
- (4) Commit to the project of reconciliation and reconstruction to the

proactive social and legal dismantling of Euroheteropatriarchy ... [and] (5) Demand disgorgement of unjust riches and reallocation of social goods as integral to Cuba's reconstruction as a post-subordination society. n23

If there is a hope (and I believe there is) of reimagining a post-Castro Cuba, it lies in thinking along the lines Professor Valdes suggests. By rejecting entrenched and perhaps exhausted bipolarities, we may begin to find the possibilities of a chastened, but still visionary, Left Hand of LatCrit.

III. Strangeness in a Stranger Land

Professor Adrien K. Wing directs our attention away from the frustratingly fraught field of U.S. race relations to the perhaps less [*1038] familiar but no less fraught situation facing Palestinians. In a way perhaps familiar to certain groups such as African Americans, Latina/os and Asian Americans within the U.S., Palestinians have come to define their community as "grounded on a collective sense of deprivation," n24 arising out of decades of "exile, family dissolution, land dispossession, death, torture, and imprisonment," n25 underwritten by a "web of racism, cultural stereotypes, political imperialism, and dehumanizing ideology." n26 By contrast to the experiences of many Cubans, the plight of Palestinians arises from the inability to wield/access the machinery of state power. Cuba is and has been a political entity, while sovereignty eludes the Palestinians, and its absence haunts their existence.

To LatCrit scholars within the U.S. observing the Mideast, many indicia of subordination may be familiar in general outline and shadow, if not specific manifestation. n27 If the Mideast presents us with a mirror image filtered through a different lens (or vice versa, if U.S. race relations reflects an altered image of Mideast claims and conflicts), how are we to find the Rosetta Stone, the cryptographic key, the translator program that allows us to understand claims made by others in strange lands speaking different languages arising from different histories?

Without recounting the depressingly familiar and unfortunately increasing acts of violence that have filled media coverage, Professor Wing surveys a range of possible responses to what she refers to as [*1039] "spirit injuries," n28 ranging from "the rage of terrorism - revenge, retribution, and hatred ... [which] can only lead to politically, socially, and morally unacceptable cycles of death and destruction." n29 Other remedial strategies designed to help cope with profound and deep "spirit injuries" have included "rhetorics of history (truth), theology (forgiveness),

justice (punishment, compensation, and deterrence), therapy (healing), art (commemoration and disturbance), and education (learning lessons)." n30 Many of the strategies are intimately associated with iterations of the law: "International Criminal Tribunals (Nuremburg, Former Yugoslavia, Rwanda), Truth Commissions (South Africa), repatriation, and reparations (Japanese Americans)." n31 Legal regimes turn on articulation and protection of "rights."

Rather than emphasizing contingency and particularism (an enterprise that in certain circumstances can easily dissolve into chaos), articulating "human rights" within the context of constitutionalism - constitutions that recognize and protect human rights - is another important response to "spirit injury." In an important sense, documents such as constitutions are utopian documents. While they may have profoundly pragmatic limitations and political constraints, at their core, they are powerful expressions of the human belief in creating a self-correcting governance machine. When coupled with the force-field generator of sovereignty and the tractor beam of jurisdiction, the track towards a parallel universe, an alternate reality, becomes tantalizingly but intermittently visible. n32

In Robert A. Heinlein's novel "Stranger in a Strange Land," the main character, Valentine Michael Smith, a human being, the lone survivor of an ill-fated mission to Mars, was raised by Martians and repatriated to Earthling society in his twenties. Smith was taught to "grok" by his Martian mentors and to share water and the message "Thou Art God" with his water brothers and sisters on Earth. Heinlein used a strategy of distance to lampoon and critique human society and customs as Smith, a "Stranger in a Strange Land," a true outsider, came to be interpreted and ultimately destroyed by an [*1040] angry and unruly humanity. While there is geographic distance, ubiquitous media coverage has decreased the distance necessary to lampoon or critique - the strangeness in a strange land is with us 24-7 on CNN - and the necessity to find the distance and perspective necessary for judgment, even while time inexorably runs out. Without meaning disrespect, Professor Wing asks us whether the parties (including the U.S.) in the Mideast are able to "grok" the idea of human rights, and whether the imminent newborn state of Palestine will be protected by a blanket of human rights, or whether the infant be left naked and freeze to death? n33

IV. The LatCrit Chronicles

Truth to tell, Professor Inniss' insightful piece analyzing the 1999 film adaptation of Isaac Asimov's "Bicentennial Man" and its links with outsider

jurisprudence was the true inception for this essay. n34 How much more of an outsider to human society might one be than a simulacrum, a robot, a mechanical being - a literal embodiment of the social construction of just about everything (including ourselves)? Professor Inniss' appreciation of how a science fictional frame may allow us to view some of our own unacknowledged prebiases and myths from a critical perspective.

Professor Inniss' insights into the costs of assimilation and outsider status are of course timely for LatCrit scholars. Andrew the Android, the subject of the film, proves to be a fertile and apt Rorschach test for Professor Inniss to reflect on our contradictory policy and ambivalent positions on immigration as well as to examine the intersection between gender, nationality, class and race as evident in domestic servants - a seeming contradiction in a society that has eschewed distinctions based on race - the most egregious of which was "slavery." Robots and androids offer a seeming way out of the dilemma: if we are troubled by treating human beings as "less than human" (by assigning them low wage demeaning labor), then why not create beings that are literally "second-class (mechanical)" entities?

Professor Inniss describes how Andrew the Android defies supposed polarities between the mechanical and the living, employing one of the oldest themes in science fiction and myth - that of Frankenstein or the Hebrew "Golem." The question that inevitably arises is "what is human?" Professor Inniss explores the tragic consequences for an outsider such as Andrew who seeks to become human by total and complete assimilation. Along the way, [*1041] dichotomies such as master/servant, biological/mechanical, choice/determinism, self/other, person/thing are challenged. However, as Professor Inniss points out, while each of these dichotomies is challenged to varying degrees, the net effect of the challenge is to reaffirm the dichotomy and to propel Andrew towards ever-greater assimilation. As the penultimate indicia of humanity, Andrew is even granted legal standing to challenge his categorization as a non-human machine in the judicial system - shades of Dred Scott. While Andrew prevails, Professor Inniss reminds us that the price of total assimilation - the recognition of "human rights" - at least for Andrew the Android, is death.

Professor Inniss successfully reflects on the multiple tropes in the film "Bicentennial Man," however, one is left with some other questions regarding robots and human beings. My questions are more about the film "Bicentennial Man," than with Professor Inniss' provocative analysis.

If assimilation with humanity is one possibility presented by technological advances, is the spectrum of combination of machine and human a two-way street? Science fiction has presented us with many visions of cyborgs - creatures that reflect some mixture of a human being and a machine, ranging from the Six Million-Dollar Man to the Terminator. Is there a point where a human being loses one's humanity when "x" amount of body and brain is wired into or replaced by silicon, wires and steel? Indeed, as most of us tool around in our automobiles, (some) wearing eyeglasses, dentures, hearing aids, pacemakers, artificial hip and knee joints, we might realize that the cyborg era has arrived decades ago. And what if we understand DNA as a type of biological machine, susceptible to human manipulation and agency? Is technology really the place where we draw the line between human and non-human, and, if not, where and how should the line be drawn?

What about sentient creatures that have very little, if any, interest in assimilating with humanity, for example, Star Trek's the "Borg," who confront humans with the phrase "Prepare to be assimilated - resistance is futile," or 2001's homicidal on-board computer, HAL? What might "Bicentennial Man" have been like if it had been written by, say, Derrick Bell?

In the series of short stories written by Ray Bradbury that were gathered together in the anthology "The Martian Chronicles," Bradbury used the idea of the human colonization of Mars to reflect not so much on how Mars and Martians were changed by humans, but how humans were changed by their contact with the unknown. In a variety of ways, human foibles, vices, and flaws such as ego, greed, racism, and shortsightedness were more often than not laid bare. While a film like "Bicentennial Man" presents many useful starting [*1042] points to speculate on how mainstream U.S. society treats and has treated "others," whether defined on racial, ethnic, religious, national, gender, or sexual orientation status, one wonders what a "LatCrit Chronicles" might look like, what episodes might be there for the telling? It could involve vignettes from the past, such as the Spanish Conquest and colonization, encounters with strangers from El Norte resulting in dispossession and loss; scenes from the present, i.e., struggles with the "force fields" generated by national borders policed by troopers that might not be out of place on some science-fictional Deathstar and the multiple life-worlds and "bubble universes" that proliferate on both sides of the border; and tales from many possible futures, i.e., the restoration of Alta California and secession from the U.S., or the Puerto Rican Declaration of Independence, and so on. However, such futures are as likely to be

filled with dystopian menace as with sanguine utopian optimism.

V. Last and First Lats

Out of all of the pieces in this cluster, Professor Santos' piece is the closest to and most overt Science Fictional in both tone and substance. In his paper, Professor Santos asks us to consider a peculiar but pervasive vision of the vast sweep of history:

Asia is the beginning, while Europe is the ultimate end of universal history, the place where the civilizational trajectory of humankind is fulfilled In each era a people takes on the responsibility of conducting the Universal Idea, thereby becoming the historical universal people, a privilege which has in turn passed from the Asian to the Greek, then to the Roman, and, finally, to the German peoples. America, or rather, North America, carries, for Hegel, an ambiguous future, in that it does not collide with the utmost fulfilling of the universal history in Europe. n35

Professor Santos confronts our imaginative disability evidenced by the ubiquity of versions of this particular history, that also provides a foundational component for hegemonic globalization. Related to this worldview, Santos sees a clear and present danger of the rise of societal (as opposed to political) fascism, which he defines as

a set of social processes by which large bodies of populations are irreversibly kept outside or thrown out of any kind of social contract[,] ... rejected, excluded and thrown into a kind of Hobbesian state of nature, either because they have never been part of any social contract and probably never will ... or [*1043] because they have been excluded, or thrown out of whatever social contract they had been part of before... . [Societal] fascism manifests itself as the collapse of the most trivial expectations of the people living under it... . [Depriving people] of shared scales and equivalences and, therefore, of stabilized expectations. n36

Societal fascism, according to Professor Santos, is intimately associated with the logic of the market as it expands to fill more and more social space, with market criteria becoming the relevant metric to assess success or failure. n37 Furthermore, such disjunctures between haves and have nots, the winners and losers, become rapidly crystallized into spatial disjunctures, between civilized and savage zones (in which the state is authorized to act fascistically). n38

Professor Santos shows how even nations with a strong history of "Civil Society" can see that society radically transformed into plutocratic islands of privatized government-by-contract, e.g., high-tech gated communities (gated not only physically, but technologically, wired into other similar island communities around the world), surrounded by vast zones of ostensibly-democratically authorized fascist state police power deployed against the excluded inhabiting those zones in order to keep them from breaching the barriers of the gated communities. Does this sound like science fiction? Or does it sound like the United States, circa somewhere in the early twenty-first century?

Professor Santos views this as one possible dystopic future for North America. However, more hopefully, he also sketches the outlines of a chastened Nuestra America and a potential counter-hegemonic process of globalization. Professor Santos conceives of globalization as occurring in four modes, two hegemonic (globalized localisms and localized globalisms - driven by global capitalism and radical integration/exclusion from a emerging global system of production) and two counterhegemonic (cosmopolitanism and common heritage of humankind - involving resistance to hegemonic integration/exclusion processes and advocacy of creating social spaces for alternate development and democratic inclusion). n39 The tensions between these modes is producing a dynamic transnational subpolitics, that on one hand favors alternate strategies of promoting "a politics of equality (redistribution) as in a politics of difference (recognition)" n40 and, on the other hand, the dominance of theories of separation over theories of union.

[*1044] Professor Santos looks to the work of Jose Marti who wrote an essay in 1891 entitled "Nuestra America" that set out an agenda:

First, Nuestra America ... is the America mestiza founded at the often violent crossing of much European, Indian, and African blood. It is the America that is capable of delving deeply into its own roots and thereupon to edify a knowledge and a government that are not imported, but rather adequate to its reality... .

The second idea ...is that [Nuestra America's] mixed roots gave rise to infinite complexity ... [a] situated and contextualized universalism... .

The third founding idea ... is that for Nuestra America to be built upon its most genuine foundations it has to

endow itself with genuine knowledge, ... [a] situated knowledge, which demands a continuous attention to identity, behavior, and involvement in public life... .

[Fourth, is that] Nuestra America is ... Caliban's America, not Prospero's. Prospero's America lies to the North ... [and] against this world of Prospero that [Marti contrasts with the] "Carib instinct." ...

The fifth basic idea of Nuestra America is that its political thinking, far from being nationalistic, is rather internationalistic, and is strengthened by an anti-colonialist and anti-imperialist stance... . n41

Against a backdrop of Jose Marti's Nuestra America, Professor Santos believes that there are five themes/initiatives that counterhegemonic transnational subpolitics may productively develop: (1) subaltern participatory democracy (as opposed to liberal democracy) n42; (2) alternate production and distribution systems mobilizing cultural and social resources to supplement and constrain purely economic valuation (e.g., "cooperatives, mutualities, credit systems, ... sustainable water systems," fishing and logging systems, etc.) n43; (3) emancipatory (as opposed to retrogressive) "multicultural justices and citizenships" n44; (4) "biodiversity, rival knowledges, and intellectual property rights" n45; and (5) "new labor internationalism." n46

Rather than engaging in a morose determinism, Professor [*1045] Santos invites us both to participate and reimagine a counterhegemonic future centered around Marti's Nuestra America. By recovering and reinterpreting that which has gone before, Professor Santos invites us to contemplate the shape of a future history, a chastened extrapolation of what might be that has a keen awareness of what has gone before and what the current state of affairs may be.

Future histories come in many guises. Some are operatic, grand, impossibly ambitious, of the sort Olaf Stapledon engaged in when he published the novel *Last and First Men* in 1930. n47

Last and First Men covers 2,000,000,000 years of human history, beginning from what Stapledon in our time imagined as a Pax Americana (in which we are the first "Men" - Stapledon unfortunately wrote using what has now become a stylistic anachronism, referring to humankind as "mankind" or "men") on forward to the 18[su'th] race of "Men" 2 billion years hence.

In Stapledon's tale, while humans form a world state marked by a unification of science and religion,

humanity repeatedly comes close to completely annihilating itself by various means - at one point humanity is reduced to eight individuals who eventually regenerate another iteration of humanity. A plague of pulmonary and nervous diseases completely wipes humans from North America and drives the human population into eclipse for a hundred thousand years. Human civilization is revived briefly in Patagonia, but humans develop an atomic-type of power source that destroys the planet and leaves only thirty five humans living near the North Pole.

Ten million years passed before the Second "Men" emerged and passed through cyclical development and destruction - humanity remained fixed for another thirty million years until an epidemic germplasm mutation created the "Third" Men. The "Third" Men, after thousands of years, develop the "Great Brains" - humans with brains that were twelve feet across, ultimately giving rise to a telepathic individual with a circular brain-turret forty feet across - the "Fourth" iteration of humanity.

The "Great Brain" produced a multitude of intelligent machines that hunted down and destroyed all of the "Third" Men, except for a few "specimens" that were modified to possess telepathy and with lifespans of thousands of years - becoming the "Fifth" Men (who ultimately destroyed the "Great Brain" and then lapsed into barbarism for a million years). The "Fifth" Men cyclically develop and destroy themselves, colonizing Venus (but not Mars) and occupying it for a longer period than the time humans had been on Earth.

[*1046] The "Fifth" Men ultimately gave way to the bat-like flying men who ultimately committed mass suicide, giving way to races of human that fled to Neptune after discovering the Sun was about to become a white dwarf star. Ten more species of humans followed until the "Last" Humans, the "Eighteenth" Men, who had a lifespan of 250,000 terrestrial years and curated an near infinite library of miniscule tape rolls, who travel through time to convey this history to "First" Man (the author) in 1930.

I do not mean in any sense to equate Professor Santos' valuable social theorizing with the near-megalomaniac visionary descriptions of Stapledon. What I would like to suggest is that LatCrit scholars may be particularly good at reimagining social theory and institutions because to varying degrees they are "outsiders." Additionally, by internally challenging "Lat" categories and methodologies, LatCrit scholars may find themselves to imagine what a communication might be like between "Last and First Lats."

VI. Conclusion: The Lat in the High Castle?

Philip K. Dick's novel, *The Man in the High Castle*,ⁿ⁴⁸ takes place in an alternate universe where the Axis powers won World War II and occupy the former United States. The West Coast and Rocky Mountain states are under Japanese control, and everything east of the Rockies is under Nazi German control. The novel recounts the search for a mysterious author named Hawthorne Abendsen, who has written a novel entitled *The Grasshopper Lies Heavy*, that is a chronicle of an alternate universe where the Axis powers lost World War II and the Allies were victorious.

Might there be an alternate universe where, in 2002, the southwestern states and California are a department of Northern Mexico, an economic global giant? Spanish is the dominant global lingua franca. To the northeast of Mexico lies the remnants of the Confederate States of America. Further north along the Atlantic seaboard lies what remains of the United States. Both nations are still feeling the devastation of the War of Southern Independence in the 1860s. The former midwestern, northern plains and northwestern states were ceded to Canada in the early 1890s. In this world, in Alta California's capital, San Juan Capistrano, a mysterious author toils on a science fiction novel, *Yo No Soy Marinero*, that takes place in an alternate universe where the United States won the War of Southern Independence as well as the War of U.S. Aggression that ended in 1848.

Who would believe such science fictional fairy tales? Do androids dream of electric Lats when they're one hundred light years from [*1047] home?

I invite you to consider a fictional character, Eliot Rosewater. Rosewater is a fictional creation of the author Kurt Vonnegut, Jr. in the novel *God Bless You, Mr. Rosewater, or Pearls Before Swine*, published in 1965.ⁿ⁴⁹ Eliot Rosewater was, amongst other things: a graduate of Harvard Law School, an inveterate and unrepentant alcoholic, a volunteer fireman, a fan of an obscure and generally unknown science-fiction writer named Kilgore Trout, and President of the charitable Rosewater Foundation worth over \$ 87 Million dollars in 1964. Vonnegut recounts how Eliot Rosewater dropped in uninvited to a convention of science-fiction writers in a motel in Milford, Pennsylvania:

"I love you sons of bitches," Eliot said in Milford. "You're all I read any more. You're the only ones who'll talk about the really terrific changes going on, the only ones crazy enough to know that life is a space voyage, and not a short one, either, but one that'll last for billions of years. You're the only ones with guts enough to really care about the future, who really notice what machines do to us, what wars do to us,

what cities do to us, what big, simple ideas do to us, what tremendous misunderstandings, mistakes, accidents and catastrophes do to us. You're the only ones zany enough to agonize over time and distances without limit, over mysteries that will never die, over the fact that we are right now determining whether the space voyage for the next billion years or so is going to be Heaven or Hell.

Eliot admitted later on that science-fiction writers couldn't write for sour apples, but he declared that it didn't matter... . "The hell with the talented sparrowfarts who write delicately of one small piece of one mere lifetime, when the issues are galaxies, eons, and trillions of souls yet to be born."ⁿ⁵⁰

Setting aside Eliot Rosewater's editorial comments on science fiction writers' writing abilities (or lack thereof, you be the judge), there is a strand in LatCrit scholarship I would like to encourage that strand that pushes against limits, is willing to ask what are the consequences of a change in this or that legal rule or legal regime in the big sense, who challenge stylistic and intellectual limits of conventional legal (and even LatCrit) scholarship, and who wonder in the face of despair what and where some of the absolutely appalling but sometimes paradoxically exhilarating changes that will leave us one hundred light years from now. Arrriba LatCrit! And sparrowfarts be damned.

FOOTNOTE-1:

n2. See Gabriel Garcia Marquez, *One Hundred Years of Solitude* (1967). Other authors that have been included under the category "Magic Realism" include Carlos Fuentes ("*Terra Nostra*") and Manuel Puig ("*The Kiss of the Spiderwoman*"). Argentinean fabulist Jorge Luis Borges is frequently cited as a precursor to and influence on "Magic Realism."

n3. Arthur C. Clarke is probably best known for his 1960s collaboration with filmmaker Stanley Kubrick that resulted in *2001: A Space Odyssey*. Clarke is also known as the author of novels such as *Childhood's End*, *Rendezvous with Rama*, and *The City and the Stars*, as well as numerous short stories such as *The Star*, *The Nine Billion Names of God*, and *The Sentinel*.

n4. Ursula K. LeGuin is known for novels such as *The Dispossessed: An Unambiguous Utopia*, *The Lathe of Heaven*, *The Left Hand of Darkness*, and

the fantasy Earthsea Trilogy as well as short stories such as *The Ones Who Walk Away from Omelas*.

n5. Robert A. Heinlein is known for novels such as *The Moon Is a Harsh Mistress*, *Stranger in a Strange Land*, and *Starship Troopers*, and short stories such as *The Man Who Sold the Moon*, *The Green Hills of Earth*, and *Methuselah's Children*.

n6. Isaac Asimov is known for the "Foundation Trilogy" (*Foundation*, *Foundation and Empire*, *Second Foundation*), *The Caves of Steel*, *I, Robot*, and for short stories such as *Nightfall*.

n7. Ray Bradbury is known for his short stories such as *The Veldt*, collected in books such as *The Martian Chronicles*, as well as novels such as *Fahrenheit 451* and *Something Wicked This Way Comes*.

n8. Phillip K. Dick is known for his novels such as *The Three Stigmata of Palmer Eldritch*, *Ubik*, *Valis*, and *The Man in the High Castle*, as well as short stories such as *Do Androids Dream of Electric Sheep?* (adapted into the film *Bladerunner*), or *We Can Remember it for You Wholesale* (adapted into the film *Total Recall*).

n9. See generally Marquez, *supra* note 1.

n10. See Derrick Bell, *Afrolantica Legacies* (1998); Derrick Bell, *And We Are Not Saved: The Elusive Quest for Racial Justice* (1987); Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (1992); Derrick Bell, *Gospel Choirs: Psalms of Survival for an Alien Land Called Home* (1996).

n11. Classic examples of this genre are Ward Moore's *Bring the Jubilee*, a novel that takes place in a world in which the Confederacy had won the Civil War, which is referred to as the "War of Southern Independence," or Philip K. Dick's *The Man in the High Castle*, that takes place in a world where the Axis Powers were victorious in World War II and where the conquered U.S. has been divided into German and Japanese spheres of influence.

n12. See Ana M. Otero, *To the People Sitting in Darkness: A Resolve for Unity and Integration*, [54 Rutgers L. Rev. 1133 \(2002\)](#).

n13. See [id. at 1137-42](#).

n14. [Id. at 1142-45](#).

n15. [Id. at 1146](#) (quoting Leo Huberman & Paul M. Sweezy, *Background of the Revolution*, in *The Cuba Reader: The Making of a Revolutionary Society* 15 (Phillip Brenner et al. eds., 1989)).

n16. Jose Miguel Gomez (President, 1908-1912). Professor Otero writes that Gomez "inaugurated an era of public corruption. During his terms cockfighting and the national lottery, previously condemned a 'colonial vices,' were reestablished, the lottery evolving into an efficient machine of political debasement." *Id.* at n. 47 (quoting Luis E. Aguilar, *Cuba, c. 1860-c. 1930*, in *Cuba: A Short History* 43 (Leslie Bethell ed., 1993)).

n17. General Gerardo Machado (President, 1924-1933). Professor Otero writes that while President Machado "brought order and stability to Cuba during his first term in office, but personal ambition and greed would hurl Cuba into 8 years of political oppression, endemic corruption, random assassinations, gangsterism, and the first full dictatorship of the republic." Otero, *supra* note 12, at 1147.

n18. See Luis E. Aguilar, *The Revolution of 1933 in Cuba: A Short History* 52-55 (Leslie Bethell ed., 1993)

n19. Otero, *supra* note 12, at 1149.

n20. *Id.*

n21. *Id.* at 1148 (quoting Lawrence Theriot, *Cuba Faces the Economic Realities of the 1980s*, in *Cuban Communism* 257 (Irving Louis Horowitz ed., 7th ed. 1989)).

n22. See Ursula K. Le Guin, *The Left Hand of Darkness* (1969).

n23. Francisco Valdes, *Diaspora and Deadlock, Miami and Havana: Coming to Terms With Dreams and Dogmas*, [55 U. Fla. L. Rev. 283, 313-315 \(2003\)](#); see also Alicia G. Abreu, *Lessons From LatCrit: Insiders and Outsiders, All at the Same Time*, [53 U. Miami L. Rev. 787 \(1999\)](#).

n24. Adrien K. Wing, *Healing Spirit Injuries: Human Rights in the Draft Palestinian Basic Law*, [54 Rutgers L. Rev.](#)

[1087, 1088 \(2002\)](#) (quoting Gad Barzilai, Community Law and Identities among Israeli-Arab-Palestinians, 1 *Adalah Rev.* 9, 10 (1999)).

n25. *Id.*

n26. *Id.* (quoting Edward Said, *Orientalism* 27 (1978)).

n27. It is far beyond the scope of this essay to comprehensively compare and contrast aspects of the Palestinian experience with those of communities of color within the U.S. However, one might begin by considering the different footing regarding naturalization embodied by the first U.S. naturalization statute in 1790 that restricted naturalization to "free white persons." Furthermore, one might consider the connection between land, sovereignty and citizenship and the unresolved problems arising from the 1848 Treaty of Guadalupe Hidalgo. One might also consider the plight of a racially identified group of individuals who remain politically and legally disenfranchised, with further members of their group barred from immigration. See Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58 (repealed 1943). The Supreme Court twice upheld the Chinese Exclusion Act. See [Chae Chan Ping v. United States](#), 130 U.S. 581, 610 (1889); [Fong Yue Ting v. United States](#), 149 U.S. 698, 731 (1893). Consider also the Alien Land Laws that, beginning in California in 1913, prohibited "aliens ineligible to citizenship" from owning agricultural property within a state and provided for the internment of over 120,000 Japanese and Japanese Americans without trial in 1943 under a vague and ultimately unsubstantiated "national security" rationale. See Charles H. Sullivan, Alien Land Laws, a Re-evaluation, 36 *Temple L.Q.* 15, 33 (1962) (discussing scope of California's 1913 Alien Land Law).

n28. Wing, *supra* note 24, at 1089 (citing Patricia Williams, Spirit-Murdering the Messenger: The Discourse of Fingerprinting as the Law's Response to Racism, [42 U. Miami L. Rev.](#) 127, 129 (1987)).

n29. *Id.* at 1089.

n30. *Id.* (quoting Martha Minow, Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence 147 (1998)).

n31. *Id.* at 1090.

n32. See generally George E. Bisharat, Peace and the Political Imperative of Legal Reform in Palestine, [31 Case W. Res. J. Int'l L.](#) 253 (1999); Adrien Katherine Wing, The Palestinian Basic Law: Embryonic Constitutionalism, [31 Case W. Res. J. Int'l L.](#) 383 (1999).

n33. Wing, *supra* note 24, at 1099-1100.

n34. Lolita Buckner Inniss, Bicentennial Man-the New Millenium Assimilationism and the Foreigner Among Us, [54 Rutgers L. Rev.](#) 1101 (2002).

n35. Boaventura De Sousa Santos, Nuestra America: Reinventing a Subaltern Paradigm of Recognition and Redistribution, [54 Rutgers L. Rev.](#) 1049, 1049 (2002).

n36. [Id. at 1050-51.](#)

n37. See *id.*

n38. *Id.*

n39. [Id. at 1051-52.](#)

n40. [Id. at 1056.](#)

n41. [Id. at 1059-63.](#)

n42. [Id. at 1080.](#)

n43. [Id. at 1081.](#)

n44. [Id. at 1081-82.](#)

n45. [Id. at 1082-83.](#)

n46. [Id. at 1083.](#)

n47. Olaf Stapledon, Last and First Men and Star Maker (Dover Publications, Inc. 1968) (1931).

n48. Phillip K. Dick, The Man in the High Castle (Vintage ed., 1992) (1962).

n49. Kurt Vonnegut, God Bless You, Mr. Rosewater, or Pearls Before Swine 18-19 (1965).

n50. *Id.* at 27-28.

