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**SYMPOSIUM ISSUE:** PRESENTED BY LATINA/O CRITICAL LEGAL THEORY, INC.: EDUCATION & PEDAGOGY: **Rebellious Knowledge Production**, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008

**NAME:** Francisco **Valdes** <sup>n1</sup>**SUMMARY:**

... PREFACE This annual lecture, as the program schedule indicates, is designed to provide a sense of some notable "principles and practices" that underlie and animate LatCrit theory, praxis, and community as an expression of critical outsider jurisprudence, or "OutCrit" legal studies. ... LatCrit scholarship is, in short, an effort both to sustain as well as to expand the gains of Realism and criticality more generally, while centering Latina/o studies and encouraging its development by diverse scholars through various projects. ... This counter-tradition, focused on antisubordination academic activism, is based on the critical and self-critical application of OutCrit legal studies not only to society at large, not only to academia as a whole, but also to ourselves and all that we undertake. ... Thus, even though interdisciplinary and comparative analysis of law and society is welcome and active within LatCrit theory, our efforts to make these two lines of inquiry thoroughly integral to LatCrit theory have been limited (due again, in my view, to a lack of resources).

**HIGHLIGHT:** This annual lecture, as the program schedule indicates, <sup>n2</sup> is designed to provide a sense of some notable "principles and practices" that underlie and animate LatCrit theory, praxis, and community as an expression of critical outsider jurisprudence, or "OutCrit" legal studies. <sup>n3</sup> Because the LatCrit community and body of work are multiply diverse, far-flung, and perpetually under construction, any one account inevitably falls short of this assignment if conceived as a comprehensive account. Therefore, as part of the Faculty Development Workshop program, <sup>n4</sup> we repeat the exercise annually to incrementally build a collective, multi-vocal portrait of our joint enterprise in increasingly inter-generational terms.

## PREFACE

**TEXT:**

## [\*131] I. INTRODUCTION

Almost from the start of this jurisprudential experiment, LatCrit scholars have received requests for information about the origins, histories, and aspirations of our collective work. In response, the LatCrit community has developed a variety of informational resources designed to provide varied accounts of our jurisprudential experiment from the perspective of different participants. For example, LatCrit scholars have developed brochures, flyers, an informational CD, and a website to help disseminate information on LatCrit theory, community, and praxis. <sup>n5</sup> In addition, over the years LatCrit scholars have published various texts in our annual symposia to help compose periodic group "snapshots" of our ever-fluid joint labors. <sup>n6</sup> Most recently, the LatCrit community initiated an Oral Histories Project to enrich [\*132] and supplement the resources produced during the past decade or so. <sup>n7</sup> The aim of these various efforts is to ensure a multi-vocal response to ongoing queries regarding our past, present, and future. <sup>n8</sup>

In addition to the foregoing, LatCrit and allied scholars have established the annual LatCrit-SALT <sup>n9</sup> Faculty Development Workshop to provide information, contacts, and support for new and junior faculty at key points in their profession. This lecture became a part of this annual workshop, specifically to invite discussion of the principles and values that have defined our collaborations to date. <sup>n10</sup> This annual lecture, delivered each year by a different LatCrit scholar, is designed to provide a non-canonical set of accounts regarding LatCrit theory, community, and praxis. <sup>n11</sup> Therefore, this year's lecture, like all others, is necessarily subjective and necessarily incomplete. Nonetheless, as part of the larger lec-

ture series, and in tandem with the other informational materials noted above, I hope this year's lecture contributes to our overall understanding of the commitments, times, and practices that have bound us together as a democratic community of critical academic activists and diverse antisubordination scholars.

Beyond the inevitable subjectivity and incompleteness of this undertaking lies another difficulty that makes this assignment even more elusive: precisely because this lecture focuses on principles, values, methods, and practices, it can appear to be an abstracted, overly generalized, and perhaps even a platitudinous account of what we imagine ourselves to be doing here today, and throughout the past thirteen annual conferences. To engage this dilemma up front, I begin with two concrete examples, to which I will refer from time to time throughout the lecture when abstraction and platitude might be in the offing. I thus begin by invoking two Latina/o scholars: one pioneer, based in the U.S., who helped to pave the way for the work we do today; and the other, based in the Global South, who challenged us to clarify our convictions and mutual commitments early on in this jurisprudential experiment, which we now call LatCrit. In this way--by way of concrete analogy--I hope at the outset to convey my historical and [\*133] contemporary sense of the principles and values that LatCrits intend to practice and promote through the work we do as academic activists, both collectively and individually.

In 1992, just three years before the invention of the LatCrit subject position,<sup>12</sup> Professor Gerald P. Lopez published his electrifying milestone book--*Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice*.<sup>13</sup> In this book, Professor Lopez sets forth the idea of "rebellious lawyering" as an activist-style approach to the practice of law, specifically to fight against legally-facilitated social subordination. Devoting the first chapter of his book to the articulation of this particular vision of the profession, Professor Lopez devotes the remainder of the book to what we now call "legal storytelling"<sup>14</sup>--that is, to the telling of fictionalized, anecdotal accounts that illustrate "the rebellious idea of lawyering against subordination" in concrete settings.<sup>15</sup> In the epilogue to his book, after recounting the various stories based on real-life scenarios, Professor Lopez concludes with the following observation:

None of these people has thoroughly worked out the answers to all the questions they confront. None of them has entirely escaped the inconsistencies and contradictions. None is immune from frustrations and failures. What each does understand, however, is that there's no self-executing blueprint for changing law practice any more than there is a magic plan for changing the world. Their work reflects what in retrospect I suppose I was always searching for as an alternative to the orthodox law practice I first came to know more than two decades ago: a profound appreciation that lawyering, no less than other activist vocations, must itself reflect and occasionally even usher in the world we hope to create.<sup>16</sup>

If we can mentally substitute the term "law practice" for "law teaching" or "legal scholarship," I would submit to you that Professor Lopez's eloquent articulation of "rebellious lawyering" is akin to our sense of "academic activism"--that is, we regard academic activism as a form of rebellious knowledge production. As I try to elaborate below, LatCrit [\*134] theory, praxis, and community have sought to "reflect and occasionally even usher in the world we hope to create."<sup>17</sup> Yet, we know that we have "not worked out answers to all the questions we confront" or that we have "escaped the inconsistencies and contradictions" of our work, or that we are "immune from frustrations and failures."<sup>18</sup> This critical *and* self-critical approach to legal knowledge production in democratic terms, as outlined below, is one main point that I hope to impress upon us in the course of this lecture as a key feature of the principles and practices that characterize our collective body of work to date.

More recently, in 2001 at the First Annual LatCrit Planning Retreat, Professor Hugo Rojas asked the retreat participants to specify what we stood for as a community.<sup>19</sup> More concretely, and presciently, he asked us to specify the principles that bind us together as a diverse community of activist scholars.<sup>20</sup> The group brainstormed for several hours, developing and the list you see below, which is reproduced exactly from the minutes of that retreat:

Day 1. TAKING STOCK: Discussion of what is LatCrit. What are LatCrit principles?

Intergroup justice

Antisubordination

Anti-essentialism

Multi-dimensionality

Praxis/solidarity

Community-building

Critical/self-critical

Ethical

Transnational

Interdisciplinary <sup>n21</sup>

[\*135] If we allow our eyes to pause on the various "principles," or concepts and goals, listed above and then review the corpus of work that the LatCrit community has produced in the past thirteen years, I think--and certainly hope--that you will readily see a match between the two. <sup>n22</sup> Not perfect nor flawless, but principled and purposeful. Indeed, much of the early writing in the LatCrit symposia we have published over the years was devoted to a substantive elaboration of the meanings we ascribe to these terms, principles, and values. <sup>n23</sup> From my perspective, this collective response to Professor Rojas's query, articulated almost a decade ago now, still stands as a fairly good summary description of the shared commitments that define our efforts to produce knowledge and do theory.

All I can really hope to do in the following lecture is to build on the examples of Professors Lopez and Rojas--and those of others who came before us or work today for similar aims--in communicating our vision of academic activism and our work toward the fundamental paradigm shift necessary to enlist law and policy as antisubordination tools in principled and egalitarian terms. To do so, in the first part of this lecture I will survey the historical precursors and substantive evolution of LatCrit theory before turning then, in the lecture's second part, to a brief review of some shortcomings and setbacks that continue to challenge our efforts.

## II. SKETCHING HISTORY, BACKGROUND AND CONTEXT: FROM LEGAL FORMALISM TO "OUTCRIT" LEGAL STUDIES

To better understand the reasons behind and the substance of the LatCrit experiment of the past dozen or so years, it helps to begin with a bit of background that situates LatCrit theory in the broader context of North American law and jurisprudence. Within this broader context, the experience with North American legal realism provides a useful starting point for charting our intellectual and historical lineage. In some basic ways, as outlined below, LatCrit scholarship may be viewed as the latest [\*136] iteration of a perspective on law and policy dating back to the Realist reaction to legal formalism.

Prior to the emergence of Realism in the first half of the past century, <sup>n24</sup> the Langdellian model of doctrinal formalism reigned, focusing myopically on the "case method" of legal analysis and education. <sup>n25</sup> Formalism's reign in U.S. legal culture was established in reaction to the models of education and analysis transplanted here from Europe and championed by Columbia Law School's lecture method. <sup>n26</sup> Landgell's triumph shifted the focus of legal analysis and education to judicial opinions and, in particular, those of appellate judges. Under Langdell's case method, the judicial opinion became a self-contained universe of doctrine, facts, and logic.

Although the Langdellian alternative to European tradition became dominant in the early history of U.S. legal culture, in time it spawned a "mechanical" approach to law. <sup>n27</sup> Reflecting the priorities of the case method, this mechanical approach became an exercise in the construction of legal logic based on the texts of judicial opinions. The aim was to prove the doctrinal contradictions of the case law illusory, and thus to harmonize opinions in apparent disarray. <sup>n28</sup> In their opinions, judges simply "discovered" law.

The Realist reaction to this mechanical jurisprudence led to a "sociological" jurisprudence designed to make legal doctrine more socially cognizant, if not more relevant. <sup>n29</sup> The sociological reaction of the Realist approach put a premium on empirical and interdisciplinary analysis of law--not only "on the books," but also in action. In contrast to Langdellian formalism, North American legal Realism emphasized functional analyses of doctrinal regimes, which synthesized legal logic with social science to engineer law reform initiatives. <sup>n30</sup>

After the mid-century upheavals of the Second World War and the first Great Depression, which had undercut and interrupted the Realist insurgency, this emphasis on social relevance--and social justice--became revitalized with the emergence of various kinds of "critical legal studies," [\*137] beginning with the initial variety that focused on the in-

teraction of law and socioeconomic class hierarchies. <sup>n31</sup> This initial articulation of Critical Legal Studies (CLS)--or of critical approaches to legal knowledge and education--crystallized and consolidated insights and methods that realism had developed or suggested. <sup>n32</sup> For example, early articulations of CLS during the second half of the past century built on Realist premises and explorations of legal indeterminacy, and of the "hunches" that legal actors with decisional discretion inevitably use to help construct social and economic realities as revealed by critical and cross-disciplinary analyses. <sup>n33</sup> Later varieties of CLS substantively expanded and deepened this critical extension of Realist insights and tenets.

Expanded articulations of legal criticality also nourished outsider approaches to critical legal studies, which centered race, gender or other embedded categories of identity in the study of law's relationship to society. <sup>n34</sup> These expanded articulations of a critical subject position in legal knowledge production helped to produce legal feminisms, critical race theory, critical race feminism, Asian American legal scholarship, queer legal theory, and most recently, the LatCrit experiment. <sup>n35</sup> These expanded articulations of a critical subject position in legal knowledge production also have informed the evolution of similarly justice-minded experiments in outsider legal knowledge production, such as indigenous scholarship, clinical scholarship, and post-colonial studies in law and society. <sup>n36</sup>

In the closing decades of the twentieth century, these diverse genres of "critical outsider jurisprudence" or "OutCrit legal studies" <sup>n37</sup> have continued and sharpened the preceding gains posted by the earlier experiences with legal realism and legal criticality. Since then, OutCrit scholars have labored both within mainstream venues as well as those of our own design and creation. <sup>n38</sup> Since then, the pioneering work of critical outsider scholars has effectively assembled the intellectual and analytical arsenal from which we all borrow and to which we all contribute today. <sup>n39</sup> LatCrit theory is no exception.

**[\*138]** Indeed, the historical and intellectual situation of the LatCrit experiment, as outlined above, points to some of the principles and practices we have adopted in light of that backdrop: from the very inception of this jurisprudential experiment, we have quite consciously sought to make principled and sustainable choices that combine concepts and tools developed previously with the lessons embodied in those very legacies. We have endeavored to learn from the gains and the limits of our foremothers and forefathers, as well as from our own ongoing, accumulating experiences. We have aimed to learn both from the tools, concepts and methods of our jurisprudential predecessors, as well as from their historical experiences in order to sharpen the commitment to social relevance and social justice through legal knowledge production and academic activism--and, over time, we furthermore have tried through trial-and-error to build on the lessons of our own, sometimes fitful, collective experiences.

We began, for example, by distilling from our intellectual ancestors' work the main functions of critical legal theorizing. We identified four functions of theory in the early days of our work together: (1) the production of knowledge; (2) the advancement of social transformation; (3) the expansion and inter-connection of "different" antistatist quests; and (4) the cultivation of critical communities and coalitions, both within and beyond the U.S. <sup>n40</sup> These four functions, we also learned, are interrelated, interactive, and interdependent. <sup>n41</sup> To deepen our practices in the service of these functions, we proposed certain "guideposts" rooted in our jurisprudential legacy. <sup>n42</sup>

Similarly, we proceeded from the basic theoretical premises firmly established by the earlier work of realists/critical pioneers. For example, we accepted the premise that legal rules and actions are both manipulable and manipulated in light of their basic indeterminacy. <sup>n43</sup> We similarly accepted that identity oftentimes plays a hidden role in the resolution of legal indeterminacy. <sup>n44</sup> We likewise proceeded from the premise that counter-disciplinary innovations are necessary to expose and ameliorate the **[\*139]** manipulation of law to systematically privilege some identities and subordinate other identities. <sup>n45</sup> These and similar points of departure provided the conceptual framework for much of the work generated by and through OutCrit legal studies, including, during the past dozen years, LatCrit scholarship. <sup>n46</sup>

Today, therefore, this LatCrit experiment in critical outsider jurisprudence, or OutCrit legal studies, is aptly understood as a contemporary iteration of realist and critical sensibilities with significant distinctions that aim to enrich and nurture the pioneering breakthroughs of our precursors and predecessors. Because we have seen and studied how jurisprudential experiments come and go, we have made a personal and collective commitment to long-term planning and continuity. LatCrit scholarship is, in short, an effort both to *sustain* as well as to *expand* the gains of Realism and criticality more generally, while centering Latina/o studies and encouraging its development by diverse scholars through various projects. Our contributions to this never-ending work during the past thirteen years of programs and projects thus span both substance and method.

### III. THE LATCRIT RECORD: A BRIEF SURVEY OF SUBSTANCE AND METHOD

To focus on LatCrit contributions to OutCrit legal studies, it is useful to recall that our most immediate predecessors are the works produced under the rubric of Critical Race Theory, critical race feminism, and legal feminisms. <sup>n47</sup> To my mind, these overlapping bodies of critical outsider scholarship jointly provide the most proximate point of departure for LatCrit theory and praxis since the original articulation of the LatCrit subject position in 1995. <sup>n48</sup> In my view, it was precisely this critical and outsider legacy that we elected to adopt as the proximate point of departure for the programmatic efforts we would undertake. From where I have stood, these overlapping bodies of OutCrit scholarship most heavily influenced [\*140] both the substance and method of our collective or programmatic work as a diverse community of academic activists. <sup>n49</sup>

Because many LatCrit scholars were (and are) active in these overlapping bodies of OutCrit scholarship, LatCrit knowledge production initiatives first embraced, applied, and developed key outsider tools and concepts that, in turn, build on the basic premises of Realism and mainstream criticality, as just outlined above. <sup>n50</sup> These outsider insights, innovations, or interruptions include early concepts and tools like intersectionality and multiplicity, which originated and were developed by scholars like Kimberle Crenshaw <sup>n51</sup> and Mari Matsuda. <sup>n52</sup> In addition, concepts and tools like anti-essentialism and multidimensionality, developed by scholars like Angela Harris, <sup>n53</sup> Berta Hernandez-Truyol, <sup>n54</sup> and Darren Hutchinson, <sup>n55</sup> also formed part of our original point of departure and/or development. Other key concepts and tools such as antistatutory activism and shifting bottoms, developed by scholars like Jerome Culp, <sup>n56</sup> Mari Matsuda, <sup>n57</sup> and Athena Mutua, <sup>n58</sup> inform much of our early work and direction. Methods like narrativity, interdisciplinarity, and internationalism, showcased by scholars like Margaret Montoya, <sup>n59</sup> Leslie Espinoza, <sup>n60</sup> Adrienne Wing, <sup>n61</sup> and Bob Chang, <sup>n62</sup> also have helped enrich the work we do. Similarly, the relationship of class to other categories of identity, emphasized by scholars like Richard Delgado, <sup>n63</sup> Derrick Bell, <sup>n64</sup> Carmen Gonzalez, <sup>n65</sup> and Charles Pouncy, <sup>n66</sup> have drawn our attention to this line of inquiry almost from the outset of our programmatic efforts together. Likewise, the attention to neo-colonialism, cultivated by scholars like Guadalupe Luna <sup>n67</sup> and Tayyab Mahmud, <sup>n68</sup> has helped to ensure incisive critiques of contemporary realities under the rubric of OutCrit legal studies. <sup>n69</sup> And finally, the attention to praxis and social transformation in inter-group frameworks, urged by scholars like Eric Yamamoto <sup>n70</sup> and Chuck Lawrence, <sup>n71</sup> has helped ensure that our work is much more than the product of our abstracted ideas. This listing, impressive as it is, is truncated; I apologize for the inability to provide recognition that is more complete, given the space limitations that define this lecture. [\*141] Nonetheless, I hope this partial listing illustrates the very diverse arsenal from which the LatCrit project has been able to draw and build in the advancement of critical outsider jurisprudence, both substantively and methodologically.

Our proactive embrace and application of these and similar tools or concepts does not, however, provide a complete or total portrait of our enterprise during the past dozen or so years. Our work has encompassed much more than the simple application of preceding breakthroughs to new intellectual or social terrains. It would be misleading to think that our work has been only or mostly about the simple extension of OutCrit tools and concepts to new regimes of law and society. <sup>n72</sup>

#### IV. SUBSTANCE AND THE LATCRIT RECORD

From the substantive baseline formed by these and similar insights of critical outsider jurisprudence up to the mid-1990s, the LatCrit community proceeded initially to make its own intellectual contributions in the ongoing elaboration of outsider scholarship from within the legal academy of the United States. These intellectual contributions, of course, may be framed in a number of different ways and levels of description. However, I offer five general substantive contributions, presented in abbreviated form, just for illustrative purposes.

##### *A. Latina/o Identities and Diversities*

The first basic contribution to the substance of OutCrit theorizing has been the elaboration of Latina/o identity as a variegated category. <sup>n73</sup> To do so, we embarked on collective and programmatic investigations of ethnicity, religion, language, immigration, and similar constructs to better understand, and to underscore, the intra-group diversities of Latina/o populations, specifically but not only in the United States. <sup>n74</sup> These collective investigations sparked not only vigorous debate and searching inquiry, but also exposed the fallacy of the "essentialized" Latina/o employed in [\*142] mainstream venues to make law and policy regarding Latinas/os. <sup>n75</sup> These investigations demonstrated and documented key demographic facts, including the fact that not all Latinas/os are Hispanic; that not all Latinas/os are Roman Catholic; that not all Latinas/os speak Spanish (or want to); and that not all Latinas/os live in the U.S. due to immigration. Conversely, these investigations showcased the complexities and diversities of Latina/o communities in terms of race and ethnicity, <sup>n76</sup> religion, <sup>n77</sup> culture, <sup>n78</sup> imperialism and colonialism, <sup>n79</sup> language and its suppression, <sup>n80</sup> class, <sup>n81</sup> and

immigration status.<sup>n82</sup> These multidimensional, anti-essentializing investigations remain unfinished. Yet, they help de-center uncritical assumptions that all Latinas/os fit predominant stereotypes, assumptions that oftentimes skew law and policy to the detriment of diverse Latina/o communities.

#### *B. Intra- and Inter-Group Frameworks*

Secondly, LatCrit theorists have sought to advance critical outsider jurisprudence by developing and calling for analyses and projects that encompass both intra-group and inter-group issues. In other words, analyses and projects that promote both intra- and inter-group understanding<sup>n83</sup> through proactive and programmatic efforts, sustained collectively for multi-year periods of time. This approach to scope has facilitated a more detailed and accurate mapping of the patterns formed across groups by the particularities reflected in each, and invited comparative, inter-group study of common categories like "race" or "culture" that are relevant to the subordination of "different" social groups.<sup>n84</sup> Over time, this effort has helped produce a better comprehension and critique of the interlocking nature of the "different" systems of subordination that jointly and severally keep existing hierarchies of injustice and inequality in place both within and across cultures. While not always successful, this work can help provide substantive anchors for critical coalitions of "different" social groups.<sup>n85</sup>

#### **[\*143]** *C. Internationalism and Critical Comparativism*

In addition, LatCrit theorists have contributed a newfound emphasis on internationalism and transnationality in the ongoing evolution of critical outsider jurisprudence. Transcending "domestic" constructions of race, ethnicity, and other categories relevant to law and policy in programmatic, long-term efforts, this expansion has helped not only to deepen and broaden critical understanding of those categories as exercises of power, but also have helped expose how those "different" exercises of power, using the "same" categories, are tailored in a myriad of ways to local circumstances and varied regions or locales.<sup>n86</sup> This third contribution, akin to the effort to examine law and power in cross-group contexts, has helped bridge what used to be a gulf between the "local" or "domestic" and the "global" or "foreign" in critical outsider jurisprudence, which oftentimes cabined scholarly analysis along national/political borders or boundaries.<sup>n87</sup> Over time, this incomplete but important work, too, can help set a sturdy stage for critical antisubordination coalitions.

#### *D. Counter-Disciplinarity*

The fourth contribution we have endeavored to make during the past dozen years to the broader project of critical outsider jurisprudence is to push for greater interdisciplinary, or counter-disciplinary, texts, projects, and programs.<sup>n88</sup> This emphasis on inter- or counter-disciplinarity, like the cross-group and internationalist initiatives of the past dozen years, aims to refine and develop the core categories or concepts of critical outsider jurisprudence as previously mapped out. The proactive and programmatic effort to make other disciplines integral to the elaboration of LatCrit theory, while also not always successful,<sup>n89</sup> has helped both to bolster and to texture our approaches to, and understandings of, "identity" as a legal tool deployed for particular purposes in particular places at particular times. Our programmatic efforts have helped diversely situated scholars meet and learn **[\*144]** from each other, expanding not only intellectual horizons, but also critical networks of academic activists.<sup>n90</sup>

#### *E. Class and Identity (as opposed to Class or Identity)*

Finally, the fifth basic contribution in this brief sketch would be the collective or programmatic insistence that "class" and "identity" are not oppositional categories of analysis and action, and instead must be understood as "different" dimensions of the interlocking systems of oppression always under interrogation.<sup>n91</sup> This approach, in other words, emphasizes that "class" is itself an axis of sociolegal identity and that, as such, it must be incorporated into multidimensional analyses of power in law and society. This approach has tempered the influence of dichotomies between "discursive" and "material" aspects of power based on identity politics<sup>n92</sup> and has positioned us to better understand how class and other forms of identity are mutually constitutive and mutually reinforcing, both in law and in society.

These five sets of contributions, I recognize, delve into areas that have occupied the attention of antisubordination scholars of many stripes. I recognize, also, that these contributions accumulate in the form both of individual texts and of collective or programmatic actions.<sup>n93</sup> But I hope you will notice in the brief account above that, during the past dozen years, we have carefully crafted a distinctive approach to programmatic, collective knowledge production projects. During these past dozen years, we have programmatically refined previous breakthroughs, even as we organized our work around our own developing sense of democratic ethics and approaches regarding knowledge production and the four interrelated functions of theory mentioned earlier.<sup>n94</sup>

In other words, apart from a straightforward, substantive application of OutCrit tools and concepts to new social or legal terrains, we have reassembled and cohered a legacy we inherited into a distinctive model of critical outsider jurisprudence *and* praxis. This distinctive model is [\*145] organized around democratic conceptions and egalitarian practices, and thus we may usefully refer to it as a kind of "outsider democracy" in legal knowledge production.<sup>n95</sup> However, as with everything else that we do, we did not invent democratic knowledge production. As with everything else that we do, we have striven to learn from past efforts, including those of the Society of American Law Teachers (SALT) and the Law & Society Association (LSA), to mix and match the best from each and then add our own distinctive elements.<sup>n96</sup>

## V. METHOD AND THE LATCRIT RECORD

Methodologically, we have learned most, again, from the varied generations of "crits" who preceded us, as well as from the ongoing programmatic efforts sustained over the decades by SALT and LSA.<sup>n97</sup> These two organizations encompass overlapping academic communities, including, additionally, many OutCrit scholars. Though SALT and LSA are "different" in many respects, they share certain characteristics including a democratic bent to knowledge production--at least when compared to the "imperial" model of traditional knowledge production that dominates mainstream academia.<sup>n98</sup> Both SALT and LSA, for instance, have developed long-term planning strategies to ensure sustainable collective action as well as intergenerational transitions, including "pipeline" programs, which, like this very workshop, are designed to ensure the vitality and sustainability of these groups beyond momentary projects. Both also have developed "big-tent" approaches to a diverse array of projects and programs, in which veterans and newcomers are consciously commingled. Moreover, both have established enduring mechanisms for institutional autonomy and self-governance, which also allow opportunities for organizational diversification and even transformation. It is no coincidence that these same features are found in the LatCrit method of programmatic initiative, and in our community-building practices, in coalitional terms.

### [\*146] *A. OutCrit Legal Studies and Outsider Democracy: LatCrit Theory, Community, and Praxis*

From inception, the LatCrit project exhibited a multifaceted focus--a focus aimed to integrate (1) "theory" with (2) "community" expressed or performed as (3) "praxis."<sup>n99</sup> This approach, we posited, would help to ensure synergies of method and substance. This conscious integration additionally flowed from a collective recognition that the legal academy of the U.S. is itself a site of struggle and contestation. It is a site that forms the macro-crucible for the production of legal knowledge in this country, knowledge deployed to tranquilize society into controlled discontent, or to confirm the stirring of social justice consciousness. It is a site for the identification and cultivation of intergenerational leaders trained to serve power, privilege, and hierarchy--or, alternatively, emboldened to bring law incrementally closer to justice. From our critical antisubordination perspective, the question was/is: How do we leverage our tiny perches within the academy to transform academic knowledge production and its social consequences?

Reflecting the norms of the legal academy, and with these methodological points in mind, the LatCrit version of the "outsider democracy" began with an annual conference, but designed specifically to bring multiply diverse scholars together in the coalitional production of legal knowledge using critical ideas and oppositional ways and means--opposition specifically to the "imperial" culture of hierarchy fostered by the traditional or mainstream model of legal education and scholarship. This opposition flowed from recognition that the traditional and mainstream model often-times lent itself more to maintaining hierarchy through the elitist seductions of careerism and the necessity of self-promotion, than to producing legal knowledge in the service of social justice action.<sup>n100</sup> As Professor Lopez observed about his professional life choices and a core point of rebellious lawyering, this threshold, oppositional stance in favor of democratic knowledge production helps set the stage for ongoing work [\*147] "that must itself reflect and occasionally even usher in the world we hope to create."<sup>n101</sup>

Imbued with that spirit, in the earliest years the LatCrit conferences were characterized by a proactive planning committee that sought affirmatively to apply the lessons of our jurisprudential ancestors, including issues of sameness/difference, in knowledge production contexts.<sup>n102</sup> These conferences were open to all interested participants and almost always met in plenary session, so we developed specific programmatic techniques--like "rotating centers" and "streams of programming"--designed to build knowledge and solidarity on democratic terms among and across diversely "different" scholars. As this sketch indicates, the design, structure, and content of the annual conferences and their programs effectively became the first context in which LatCrits sought to apply or "perform" the theoretical insights about "doing" critical theory drawn most directly from the experiences of prior experiments in critical outsider

jurisprudence. During this time, the conference planning committees labored not only to gain insights from prior jurisprudential experience, but also from our own experiences as they accumulated from year to year. <sup>n103</sup>

Over time, this approach attracted more and more participants, eventually outpacing the capacity of the conference model to meet always in plenary session. For example, while approximately sixty-five scholars participated in the 1996 LatCrit I conference, this number had tripled, to about 200, by LatCrit XII in 2007. Therefore, during the past several years the LatCrit conferences have begun to meet both in plenary and in concurrent sessions. Moreover, the planning committee now limits itself to the planning of specific program "anchors" (including the signature "theme" panel, the keynote speakers, the Jerome Culp Annual Lecture, and the like) rather than planning in detail the entire program. <sup>n104</sup> In other words, while in the early years we thought it important to "actively" steer the conference program to focus on areas of controversy, in more recent years a more "democratic" approach has emerged, somewhat akin to LSA conferences. In this [\*148] Thirteenth Annual LatCrit Conference, for example, many, if not most, of the panels were self-organized by individual scholars, or small groups of scholars, to create an opportunity for the pursuit of a more particularistic project or agenda and a more pluralistic conference program as a whole.

As I have tried to show in this summary, LatCritical efforts from inception prioritized a continuing search for effective and efficient combinations of theory and action on personal as well as collective levels. Although the annual conferences and related symposia were the original programmatic expression of this enterprise, our tripartite focus on theory, community, and praxis, with the interrelated functions noted earlier, <sup>n105</sup> soon yielded a "portfolio" of projects designed to incubate theory and inform action. These projects and programs are designed as a set of practices that are oppositional to the mainstream traditions of the legal academy, and specifically to the atomized traditions of imperial scholarship. These activities and programs are designed to develop innovative approaches to the production of knowledge from within the legal academy of the U.S., as well as to contest the entrenchment of interlocking hierarchies within the professoriate that are inconsistent with our antisubordination aspirations.

#### *B. Academic Activism and "Collective Personal Praxis": Critical Communities, Coalitions, and Institutions*

The approach to this method might be described as the construction of an enduring, alternative counter-tradition to the ways and means of mainstream imperialism. This counter-tradition, focused on antisubordination academic activism, is based on the critical and self-critical application of OutCrit legal studies not only to society at large, not only to academia as a whole, but also to ourselves and all that we undertake. Thinking yet again of Professor Lopez and his rebellious approach to lawyering, our striving to "perform the theory" in all our projects is an effort to perform programmatic work that dares to try reflecting, and ushering in, the world we hope to help create. Our aim is to create a "virtual" home for the incubation of critical [\*149] communities, discourses, and actions, always anchored by consistent collective practice of the substantive principles that we profess to share.

As Professor Lopez also reminds us, this undertaking cannot immediately mitigate the many evils that abound in legal culture or society at large. They cannot resolve inconsistency or immunize against failure. At the same time, this kind of sustained collective effort is no small feat in a time of ferocious backlash and furious retrenchment--a determined, decades-long campaign to banish the likes of us from the corridors of academia, a campaign waged with resources, wit, and determination, a campaign that threatens every day to unravel this ever-fragile outsider democracy. <sup>n106</sup> Indeed, in these times, where criticality is under attack and social justice is under assault, the decision to identify as a "crit" and to engage in critical legal praxis as an activist, outsider scholar is an act of willful defiance against the power of dominant norms and forces. Yet, for some of us at least, intellectual honesty compels the stance.

Today, after much trial, effort, and (never-ending) correction, the LatCrit portfolio of projects consistently integrates democratic knowledge production and academic activism as core LatCritical practices. The LatCrit portfolio of projects--and the underlying conception of collective personal praxis that defines our academic activism akin to rebellious lawyering--are designed to invite wide-ranging participation across multidimensional lines of difference and diversity. The projects and related activities of the LatCrit community are designed to allow easy entry and participation, as well as to break down boundaries not only of social identity but also of discipline, status, geography, culture, and doctrine. As LatCrit theorists have explained, this approach represents a form of "collective personal praxis" that combines open and inclusive knowledge production initiatives grounded in multidimensional analysis and antisubordination values. <sup>n107</sup> This "big-tent" approach and egalitarian ethos places a premium on (1) community-building, (2) coalition-building, and (3) institution-building. But these three mutually-reinforcing practices are not separate or apart from [\*150] knowledge production as such; rather, they are integral to the varied acts of democratic knowledge production in which we engage collectively *and* individually.

In sum, democratic approaches to knowledge production scramble and synthesize in varied ways differing aspects of other models or approaches to academic knowledge production. Democratic experiments do not aim or tend to create or control the artificial scarcities of professional recognition, intellectual legitimacy, or space in the pages of prominent academic journals, which are necessary specifically to imperial stratification of scholars and their scholarship. Democratic experiments aim, instead, to create diverse, programmatic, recurring opportunities for exchange and collaboration on multiple levels so that individual scholars can build alliances and networks as they develop their agendas and work, collectively yet personally, in the service of social justice. Democratic experiments aim self-consciously to commingle newcomers and veterans as knowledge-producing, community-building, and institution-sustaining actors.<sup>n108</sup> Moreover, democratic methods are synergistic with the substantive commitment to antisubordination values and related principles—including those that emerged from the collective response to Professor Rojas's bottom-line query nearly a decade ago.<sup>n109</sup>

Aiming to practice these values and principles year-round and for the long-term, the LatCrit community expressed its commitment to democratic knowledge production from the very beginning, as illustrated by the related practices of "rotating centers" and "streaming programming."<sup>n110</sup> Over the years, the LatCrit portfolio of projects has extended this commitment in a rich variety of ways that span many different kinds of knowledge production.<sup>n111</sup> Our collective, programmatic work, as illustrated by our portfolio of projects, helps to model the kind of "collective personal praxis" through which we aim to perform the antisubordination values and principles of LatCrit theory. This Portfolio of Projects and collective personal praxis help to define the antisubordination "academic activism" [\*151] that has become a special feature of the LatCrit experiment within the context of OutCrit legal studies.

Our commitment to collective personal action in turn operates as a key method of community-and-coalition building; laboring together in principled terms produces not only knowledge but also can help ripen trust and solidarity. And the importance of trustworthy community-building to the production of critical outsider jurisprudence cannot be over-emphasized, given the ambient dangers that have confronted (and still confront) any progressive or critical undertaking in the U.S.<sup>n112</sup> These principles and practices thus are designed to recognize our diverse and complex humanity, and its relationship to our capacious yet limited antisubordination work. Our efforts, whether in substance or method, have not always been entirely successful, but they have been consistently determined.

## VI. SHORTCOMINGS AND SETBACKS: SOME STILL-PENDING CHALLENGES

While this brief sketch outlines some important gains or advances of our collective record during the past thirteen years, these efforts and exertions have not registered picture-perfect results; far from it. While our labors have no doubt added value to the cumulative accomplishments of critical outsider jurisprudence, or OutCrit legal studies, the reach and impact of our endeavors have been checked--or at least challenged--by shortcomings and limitations that include historical, material, structural, personal, and other circumstances. Two sets of examples, spanning both substance and method, illustrate this aspect of our collective record thus far.

### *A. Limits and Limitations: Substance and Method*

The first set of shortcomings is reflected in our efforts to center intersectional identities and related fields of study and action in our collective work. For example, from the earliest years we have endeavored to cultivate a programmatic line of inquiry within LatCrit theory that centered [\*152] Filipina/o identities, communities, interests, and studies.<sup>n113</sup> Similarly, from the outset, we have sought to engage indigenous identities and scholars in the programmatic articulation and development of LatCrit theory, community, and praxis.<sup>n114</sup> On both counts, our efforts have faltered (in my view, due mainly to a lack of resources).<sup>n115</sup> As a result, these substantive lines of inquiry remain relatively underdeveloped within LatCrit scholarship today.

A second set of shortcomings or limitations is reflected in our border-breaking forays designed to sharpen the incisiveness of LatCritical analyses along other lines of programmatic inquiry. The first of these efforts involves interdisciplinarity and our ongoing but unsteady efforts to ensure that interdisciplinary analyses are integral in, and not marginal to, LatCrit theorizing.<sup>n116</sup> Similarly, our commitment to internationalism within LatCrit theory,<sup>n117</sup> and to ensuring that internationalist analyses are integral to our work, has yielded only limited results. Thus, even though interdisciplinary and comparative analysis of law and society is welcome and active within LatCrit theory, our efforts to make these two lines of inquiry thoroughly integral to LatCrit theory have been limited (due again, in my view, to a lack of resources).<sup>n118</sup>

Perhaps more importantly, we have not yet been entirely successful in our efforts to recast the traditional, neo-colonial, "imperial" paradigm of legal knowledge production. Nor have we been as successful as we had hoped in our efforts to redefine academia's relationship to power and society. We have, in short, failed to meaningfully reshape the relationship of the scholar to her society. <sup>n119</sup>

Finally, we have been less than adequately attentive to questions of access to our conferences and events for physically-challenged members of our community. This extended, collective inattention has been inexcusable; it shows a clear example of our failure to live up to our own commitments. Fortunately, during the past year, our collective attention has focused on a sustained effort to overcome this shortcoming as we continue, collectively, [\*153] as best as we can in any given moment or situation, to apply a self-critical antistatist review of our ongoing work. <sup>n120</sup>

### *B. "Productive Tensions" and Knowledge Production: Identity in LatCrit Theory and Practice*

It is no coincidence that these examples of our shortcomings or failures read like a mirror-image of our accomplishments and contributions, as I outlined them above. <sup>n121</sup> But one thing should stand clear from this juxtaposition of effort, accomplishment, and setback: from the beginning, LatCrit theorists embraced "productive tensions" based, first, on identity-related sources of "difference" (both within and beyond Latina/o populations), and second, on the collective decision to construct an "open" space in LatCrit programs and venues despite the multiple vectors of difference within and among the "outsider" jurisprudential community. Both of these original methodological and substantive choices have helped to make LatCrit theory, community, and praxis a distinctively democratic intervention in OutCrit legal studies--both for better and/or worse.

Initially, the most common expression of these productive tensions focused on the relevance of "race" to Latina/o populations, to which we turned our collective, programmatic attention in the first couple of years. <sup>n122</sup> More particularly, the question that oftentimes arises focuses on the role and relevance of groups or communities racialized and/or ethnicized as something other than Latina/o--and whether scholars who identify with such communities are within the bailiwick of LatCrit inquiry. In other words, this question asks whether scholars or projects not conceived as Latina/o are, or can be, part of the LatCrit whole. Our collective and programmatic engagement of this particular productive tension thus has focused on the racial diversities within and across Latina/o communities, especially in the U.S., to underscore commonalities that otherwise might be overlooked; this approach has sought to de-center the essential Latina/o and to showcase intra-Latina/o diversities to illustrate concretely how constructs [\*154] like "race" are as relevant to Latina/o interests as to other racialized social groups. As such, this approach has sought to provide a substantive and theoretical response to the oft-expressed query: "Do black people belong in LatCrit?" or "Do Asian people belong in LatCrit?" or even "Do indigenous people belong in LatCrit?" Responding affirmatively in each instance, this approach has sought to emphasize that Latina/o populations embody all racial (and other identity) categories.

Because racial regulation affects all Latina/o communities, the first productive tension of these past thirteen years has produced an enhanced understanding of "race" as a cross-group, trans-cultural, and multidimensional phenomenon. In this way, we have endeavored to demonstrate why and how the study of *all* racial categories by scholars with "different" racial subject positions is necessarily integral to a holistic and incisive LatCrit analysis of race and power. Through this approach we have sought both to keep the "Lat" in LatCrit theory while simultaneously making the case for the necessary inclusion of diverse viewpoints in the elaboration of *all* genres of critical outsider jurisprudence--one example, with all its difficulties and complexities, of democratic synergy in LatCritical method and substance.

This closing note on our decision to grapple programmatically and personally with productive tensions, presented here in the context of outlining our shortcomings, underscores the LatCrit commitment to a self-critical performance of theory in all we do as a community. Like the example of race noted here, these ongoing efforts to embrace and grapple with multiple sources of difference at times have produced unexpected or spontaneous eruptions in our midst. <sup>n123</sup> Yet, we continue. We keep on keeping on. This commitment to self-critical review on an ongoing basis, and in collective terms, thus emerges as perhaps our saving feature. Stipulating to our imperfection, fragility, and incompleteness, we also are committed to affirmative and self-critical applications of our principles and values to our own community and activities. Despite our limitations and [\*155] inabilities, and understanding that this jurisprudential experiment remains always, and in all ways, under construction; warts and all, we remain committed *still* to performing the theory in personal *and* collective terms.

## VII. CONCLUSION

In this brief summation of highlights, I have endeavored to situate LatCrit historically and jurisprudentially. I have aimed to compare and contrast our approaches to knowledge production and academic activism to other examples or formations from U.S. legal culture and history. Along the way, I have tried to identify some accomplishments as well as some limitations and pending challenges. From this outline, we can conclude with a few general words about "LatCrit" as it has become over the past thirteen years.

From this overview, it should be clear that democratic experiments, like LatCrit, exist mainly as means to ends. Democratic jurisprudential experiments exist as vehicles for the individual work of academic activists who agree to conduct programmatic projects collaboratively over a period of time, based on shared principles and aspirations. Democratic experiments, like LatCrit, exist to enable opportunities for collective action among like-minded individuals in academic knowledge production and activism.

Like LatCrit for the past thirteen years, democratic experiments are always in flux. Though we certainly have formed an intellectual community, it is a far-flung and self-selected community of multiply diverse and situated individuals: at any given time or place our collective work is no more, no less, than the sum of our individual capacities and limitations. In addition to our inherent structural fragility, the grinding pressures of imperial imperatives, reinforced in myriad ways by backlash and retrenchment, threaten to derange this entire "outsider" critical democracy around every corner--or so it seems to me. As many will attest, the tolls and demands of this work try, sometimes daily, the personal commitment to collaboration and continuity.

[\*156] But, on a personal note, I should emphasize that I have always been motivated to work on LatCrit projects like this one by the rebellious spirit that Professor Lopez invoked just three years prior to the beginning of this experiment. For me, self-made and self-directed community projects like this workshop--and similar events we conduct around the year--are important because they endeavor to keep this rebellious spirit alive and kicking, and especially so during times marked by backlash and retrenchment. For me, the joint cultivation of this rebellious ethic toward legal knowledge production has been a key aspect of continuing to return, from year to year, to the work that we gather here to advance, for another year, in the name of antisubordination academic activism.

During these past thirteen years of heightened hostility to outsider and/or critical studies, the LatCrit community has imagined, formed, and provided a democratic site of resistance to multiple systems of subordination. Together, LatCrit scholars incrementally have constructed a year-round safe zone of activities to pursue and nurture critical outsider studies, texts, projects, programs, and networks. Perhaps flirting with hyperbole, I admit to viewing LatCrit theory, community, and praxis as working together to form a sort of "underground" resistance network against imperial traditions, imperatives, and institutions that define legal culture in the U.S. and that ensure the law serves ruling elites rather than exploited and subordinated groups. As an underground, we must be agile and nimble--yet principled--if we are to do any good, or even survive. As an underground, our efforts must be to create a viable, self-sustaining, and self-correcting alternative to business-as-usual in legal academia within the U.S., and perhaps even beyond it. Only time will tell whether it was all a dream, or really an effort that reflected, and helped to usher in, the world we envision(ed) creating.

### **Legal Topics:**

For related research and practice materials, see the following legal topics:

Computer & Internet Law  
Copyright Protection  
Formalities & Ownership Interests  
Ownership Interests  
Joint Authorship & Works  
Patent Law  
Subject Matter  
Processes  
General Overview

### **FOOTNOTES:**

n1 Professor of Law, Univ. of Miami, and Co-Director, Center for Hispanic and Caribbean Legal Studies. I thank the organizers of this Faculty Development Workshop, including Rachel Anderson, Mario Barnes, Ruben Garcia, Kaaryn Gustafson, Kevin Maillard, Adele Morrison, Melissa Murray, Reggie Oh, Angela Onwuachi-Willig, Christian Sundquist, and Rose Cuison Villazor. I also thank the organizers of the Thirteenth Annual LatCrit Conference, of which this workshop is a part, including Steve Bender, Robert Chang, Roberto Corrada, Nancy Ehrenreich, Christian Halliburton, and Tayyab Mahmud. The support for this event provided by Seattle University Law Dean Kellye Testy was generous in both spirit and sponsorship, as was the support of the Society of American Law Teachers (SALT). I know I speak for the entire LatCrit community in thanking you both for making these spectacular programs possible. Finally, I thank the loose-knit, ever-fluid, worldwide community of activist-scholars whose work provides the stuff of this lecture. All errors are mine.

n2 To view the program for the Thirteenth Annual LatCrit Conference and related activities, please visit the LatCrit website at <http://www.latcrit.org> (follow "Annual Conferences" hyperlink; then follow "LC XIII" hyperlink).

n3 See *infra* note 68 and accompanying text (on OutCrit legal studies).

n4 This workshop is a joint project of LatCrit scholars and the Society of American Law Teachers (SALT), and is conducted each year as part of the annual LatCrit Conference. For more information on this workshop, visit the LatCrit website at <http://www.latcrit.org>.

n5 See <http://www.latcrit.org>.

n6 Francisco Valdes, *Foreword: Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997) [hereinafter *Poised at the Cusp*]; Francisco Valdes, *Foreword: Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1087 (1997) [hereinafter *Under Construction*]; Foreword to Margaret E. Montoya, *Class in LatCrit: Theory and Praxis in a World of Economic Inequality*, 78 DENV. U. L. REV. 467 (2001) [hereinafter *Class in LatCrit*]; Francisco Valdes, *Afterword: Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience--RaceCrits, Queer-Crits, LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) [hereinafter *Theorizing "OutCrit" Theories*]; Berta Hernandez-Truyol, Angela P. Harris & Francisco Valdes, *Afterword: Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 26 CHI-CANO-LATINO L. REV. 237 (2006) [hereinafter *Beyond the First Decade*]; Margaret E. Montoya & Francisco Valdes, *"Latinas/os" and Latina/o Legal Studies: A Critical Review of Legal Knowledge-Production Models*, 4 FLA. INT'L U. L. REV. 1 available at [http://www.law.du.edu/latCrit/documents/Montoya\\_Valdes\\_LatCrit\\_XII\\_.pdf](http://www.law.du.edu/latCrit/documents/Montoya_Valdes_LatCrit_XII_.pdf) [hereinafter *"Latinas/os"*].

n7 <http://www.latcrit.org> (follow "Portfolio of Projects" hyperlink; then follow "Scholarly Publications" hyperlink; then follow "Oral Histories Project").

n8 Margaret Montoya & Francisco Valdes, *Afterword--"Latinas/os" and Latina/o Legal Studies: A Critical Review of Legal Knowledge-Production Models*, 4 FLA. INT'L U. L. REV. 187 (2008).

n9 "SALT" is the Society of American Law Teachers. For more information on SALT, visit <http://www.saltlaw.org>.

n10 <http://www.latcrit.org> (follow "Portfolio of Projects" hyperlink; then follow "Academic Community" hyperlink; then follow "Junior Faculty Development Workshop").

n11 <http://www.latcrit.org> (follow "Portfolio of Projects" hyperlink; then follow "Academic Community" hyperlink; then follow "Junior Faculty Development Workshop"; then follow hyperlink "Lecture on LatCrit Histories, Principles and Values, Angela Harris, LatCrit XII, Miami, FL (Video)").

n12 For background reading on the origins of the LatCrit subject position, see Hernandez-Truyol, et al., *Beyond the First Decade*, *supra* note 6.

n13 GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (1992).

n14 For an overview of storytelling critical outsider jurisprudence, see Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989). For a recent analysis of the use of narrative formats in critical OutCrit legal studies, see Margaret E. Montoya, *Celebrating Racialized Legal Narratives*, in *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY* 243-50 (Francisco Valdes, Jerome McCristal Culp & Angela P. Harris eds., 2002); and for a very recent narrative that chronicles how legal storytelling is being used in a Mexican law school, namely the Autonomus University of Ciudad Juarez, see Margaret E. Montoya, *Antigona: A Voice Rebuking Power*, 75 U. MO. KANSAS CITY L. REV. 1171 (2007).

n15 To articulate his concept of rebellious lawyering concretely, Professor Lopez devotes the bulk of the book to fictionalized law practice stories based on his personal experiences in public interest lawyering. See LOPEZ, *supra* note 13. For a more recent, and perhaps more expansive, elaboration of the concept and its origins, see Gerald P. Lopez, *Changing Systems, Changing Ourselves*, 12 HARV. LATINO L. REV. 15 (2009).

n16 LOPEZ, *supra* note 13, at 382.

n17 See *supra* note 15.

n18 *Id.*

n19 First Annual LatCrit Planning Retreat (2001); <http://www.latcrit.org> (follow "Portfolio of Projects" hyperlink; then follow "Academic Community" hyperlink; then follow "Annual Planning Retreat" hyperlink; then follow "Miami (2001)" hyperlink).

n20 If I recall correctly, Professor Rojas asked what we considered "non-negotiable" from a LatCrit perspective.

n21 First Annual LatCrit Planning Retreat, substantive transcription at 3 (2001) <http://www.latercrit.org> (follow "Portfolio of Projects" hyperlink; then follow "Academic Community" hyperlink; then follow "Annual Planning Retreat" hyperlink; then follow "Miami (2001)" hyperlink).

n22 For representative readings, see the forewords and afterwords to the twenty-some LatCrit symposia published since 1996 by various law reviews. See *infra* note 46 and sources cited therein (citing the LatCrit symposia).

n23 For specific texts, see *infra* note 46 and sources cited therein (citing various efforts to articulate LatCrit theory).

n24 For historical accounts of the Realist experiment in innovative knowledge production, see LAURA KALMAN, LEGAL REALISM AT YALE, 1927-60 (1986); WILLIAM TWINING, KARL LLEWELLYN AND THE REALIST MOVEMENT (1973); and John Henry Schlegel, *American Legal Realism and Empirical Social Science: From the Yale Experience*, 28 BUFF. L. REV. 459 (1979). For a LatCritical sketch of this period and its significance to outsider scholarship, see Hernandez-Truyol et al., *supra* note 6, at 172-77; ROBERT STEVENS, LAW SCHOOL: LEGAL EDUCATION IN AMERICA FROM THE 1850S TO THE 1980S, 155-71 (1983).

n25 Realists thus critiqued early versions of the dominant or mainstream tradition--Langdellian purism--for its "mechanical" approach to the observable indeterminacy of legal rules, and for its failure to adopt a "functional" or realistic approach in light of known social realities. *E.g.*, Roscoe Pound, *Mechanical Jurisprudence*, 8 COLUM. L. REV. 605 (1908); Felix S. Cohen, *Transcendental Nonsense and the Functional Approach*, 35 COLUM. L. REV. 809 (1935); Karl N. Llewellyn, *On What is Wrong with So-Called Legal Education*, 35 COLUM. L. REV. 651 (1935). See also John Henry Schlegel, *Between the Harvard Founders and the American Legal Realists: The Professionalization of the American Law Professor*, 35 J. LEGAL EDUC. 311 (1985) (providing an account focused on developments leading from the Langdellian to the Realist eras).

n26 See STEVENS, *supra* note 24, at 155-71; see also WILLIAM R. JOHNSON, SCHOOLED LAWYERS: A STUDY IN THE CLASH OF PROFESSIONAL CULTURES (1978). For other accounts, see JOSEF REDLICH, THE COMMON LAW AND THE CASE METHOD IN AMERICAN UNIVERSITY LAW SCHOOLS, A REPORT TO THE CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING (1914); ALFRED ZANTZIGER REED, TRAINING FOR THE PUBLIC PROFESSION OF THE LAW (1921); LAURENCE R. VEYSEY, THE EMERGENCE OF THE AMERICAN UNIVERSITY (1965) (focusing on the development of the university, more generally, rather than the law schools within them).

n27 See STEVENS, *supra* note 24, at 35-72 (describing Langdell's influence as dean of Harvard Law School in establishing the "structure, content and style" of legal education and scholarship in this country, which today represents the dominant tradition).

n28 See, *e.g.*, Roscoe Pound, *Mechanical Jurisprudence*, 8 COLUM. L. REV. 605 (1908).

n29 See, *e.g.*, Roscoe Pound, *The Scope and Purpose of Sociological Jurisprudence*, 25 HARV. L. REV. 489, 516 (1912).

n30 See, *e.g.*, Karl N. Llewellyn, *A Realistic Jurisprudence--The Next Step*, 30 COLUM. L. REV. 431 (1930).

n31 For an oft-cited example of critical legal studies and texts, see Symposium, *Critical Legal Studies*, 36 STAN. L. REV. 1 (1984); Symposium, *A Symposium of Critical Legal Studies*, 34 AM. U. L. REV. 927 (1984); Symposium, *Symposium on Critical Legal Studies*, 6 CARDOZO L. REV. 691 (1984); Colloquy, *Professing Law: A Colloquy on Critical Legal Studies*, 31 ST. LOUIS U. L.J. 1 (1986); MARK KELMAN, A GUIDE TO CRITICAL LEGAL STUDIES (1987); Symposium, *Minority Critiques of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987) [hereinafter *Minority Critiques*]. For a description of critical legal studies from the vantage point of someone who was a close observer of the events and the personalities, see John Henry Schlegel, *Notes Toward an Intimate, Opinionated and Affectionate History of the Conference on Critical Legal Studies*, 36 STAN. L. REV. 391 (1984); see also Mark Tushnet, *Critical Legal Studies: A Political History*, 100 YALE L.J. 1515 (1991).

n32 For an illuminating and recent historical overview, see STEPHEN M. FELDMAN, AMERICAN LEGAL THOUGHT FROM PRE-MODERNISM TO POSTMODERNISM: AN INTELLECTUAL VOYAGE (2000).

n33 See, e.g., DUNCAN KENNEDY, A CRITIQUE OF ADJUDICATION: FIN DE SIECLE (1997); KARL LLEWELLYN, THE BRAMBLE BUSH: ON OUR LAW AND ITS STUDY (1930).

n34 *Minority Critiques*, *supra* note 31.

n35 Valdes, *Theorizing "OutCrit" Theories*, *supra* note 6.

n36 Montoya and Valdes, *"Latinas/os"*, *supra* note 6.

n37 Francisco Valdes, *Outsider Scholars, Legal Theory and OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831, 833 (2000).

n38 For a recent review, see Athena Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329 (2007).

n39 See generally Kimberle Crenshaw, *The First Decade: Critical Reflections, or "A Foot in the Closing Door"*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY 9-31 (Francisco Valdes, Jerome McCristal Culp & Angela P. Harris eds., 2002).

n40 See *Under Construction*, *supra* note 6; Valdes, *Theorizing "OutCrit" Theories*, *supra* note 6 (describing LatCrit origins, principles, purposes, and practices).

n41 See Berta Esperanza Hernandez-Truyol, *The Gender Bend: Culture, Sex, and Sexuality--A LatCritical Human Rights Map of Latina/o Border Crossings*, 83 INDIANA L.J. 1283 (2008).

n42 The seven guideposts accompanying these four functions are: (1) Recognize and Accept the Political Nature of Legal "Scholarship" Despite Contrary Pressures; (2) Conceive Ourselves as Activist Scholars Committed to Praxis to Maximize Social Relevance; (3) Build Intra-Latina/o Communities and Inter-Group Coalitions to Promote Justice Struggles; (4) Find Commonalities While Respecting Differences to Chart Social Transformation; (5) Learn from Outsider Jurisprudence to Orient and Develop LatCrit Theory and Praxis; (6) Ensure a Continual Engagement of Self-Critique to Stay Principled and Grounded; and (7) Balance Specificity and Generality in LatCritical Analysis to Ensure Multidimensionality. For an early assessment of LatCrit "guideposts" as reflected in the proceedings of the First Annual LatCrit Conference, see *Poised at the Cusp*, *supra* note 6, at 52-59 (introducing the papers and proceedings of the first LatCrit conference). These guideposts (and the functions described earlier) of course are interrelated and, in their operation, interactive. Ideally, they yield synergistic effects. They represent, as a set, the general sense of this project as reflected in the collective writings of the symposium based on the First Annual LatCrit Conference. In addition to the seven guideposts noted above, an eighth was originally presented as a "final observation" based on the preceding seven, "acknowledging the relationship of LatCrit to Critical Race theory," and, in particular, the "intellectual and political debt that LatCrit theorizing owes to Critical Race theorists." *Id.* at 57-60.

n43 See KENNEDY, *supra* note 33.

n44 See Hernandez-Truyol et al., *Beyond the First Decade*, *supra* note 6, at 169, 185, and 200.

n45 See generally Hernandez-Truyol et al., *Beyond the First Decade*, *supra* note 6.

n46 These twenty-some symposia (including the LatCrit XIII conference papers) have been published both in mainstream journals as well as in specialty journals devoted to difference and social justice. See Colloquium, *Representing Latina/o Communities: Critical Race Theory and Praxis*, 9 LA RAZA L.J. 1, 11 (1996) (publishing the papers of the pre-LatCrit colloquium, held in 1995 in San Juan, Puerto Rico, at which the "LatCrit" name was conceived); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997) (LatCrit I); Colloquium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997) (publishing the proceedings of the first LatCrit colloquium focused on international law) [hereinafter *International Law, Human Rights and LatCrit Theory*]; Symposium, *Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory*, 19 CHICANO-LATINO L. REV. 1 (1998) (LatCrit II); Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999) (LatCrit III); Symposium, *Rotating Centers. Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. 751 (2000) (LatCrit IV); Colloquium, *Spain, The Americas and Latino/as: International and Comparative Law in Triangular Perspective*, 9 U. MIAMI INT'L. & COMP. L. REV. 1 (2001) (publishing the proceedings of the second and third International and Comparative Law Colloquia (ICC), held during 1998 and 1999 in Malaga, Spain); *Class in LatCrit*, *supra* note 6 (LatCrit V); Symposium, *Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory*, 54 RUTGERS L. REV. 803 (2002) (LatCrit VI); Symposium, *Coalitional Theory and Praxis: Social Justice Movements and LatCrit Community*, 13 BERKELEY LA RAZA L.J. 113 (2002), 81 OR. L. REV. 587 (2002) (LatCrit VII); Symposium, *International and Comparative Law in LatCrit Theory: Perspectives from the South*, 38 REV. JUR. U. INTER-AM. P.R. 7 (2003) (publishing the Spanish language papers from the 2003 ICC in Buenos Aires, Argentina); Symposium, *City and the Citizen: Operations of Power, Strategies of Resistance*, 52 CLEV. ST. L. REV. 1 (2005) (LatCrit VIII); Symposium, *Law, Culture, and Society: LatCrit Theory and Transdisciplinary Approaches*, 3 FLA. J. INT'L L. 539 (2004) (publishing the papers of the first South-North Exchange (SNX), held during 2003 in San Juan and the fifth ICC, held that same year in Buenos Aires); Symposium, *Countering Kulturkampf Politics Through Critique and Justice Pedagogy*, 50 VILL. L. REV. 749 (2005), 35 SETON HALL L. REV. 1155 (2005) (LatCrit IX); Symposium, *Law, Culture and Indigenous People: Comparative and Critical Perspectives*, 17 FLA. J. INT'L L. 449 (2005) (publishing the papers of the second and third SNXs, held during 2004 and 2005 in San Juan); Symposium, *LatCrit Theory: Critical Approaches to Economic In/Justice*, 26 UCLA CHICANO-LATINO L. REV. 1 (2006), 17 BERKELEY LA RAZA L.J. 1 (2006) (LatCrit X); Symposium, *Free Market Fundamentalism: A Critical Review of Dogmas and Consequences*, 5 SEATTLE J. SOC. JUST. 497 (2007) (publishing the papers of the fourth SNX, held in 2006 in Bogota, Colombia); Symposium, *Race & Color Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation*, NAT'L BLACK L.J. (forthcoming 2010) available at

<http://biblioteca.uprrp.edu/LatCritCD/SouthNorthExchange.htm> (publishing the papers of the fifth SNX, held in 2007 in Rio de Janeiro, Brazil); Symposium, *Working and Living in the Global Playground: Frontstage and Backstage*, 7 NV. L.J. 685 (2007) (LatCrit XI); Symposium, *Critical Localities: Epistemic Communities, Rooted Cosmopolitans and Knowledge Processes*, 20 ST. THOMAS L. REV. 387 (2008) (LatCrit XII); Symposium, *Representation and Republican Governance: Critical Interrogation of Election Systems and the Exercise of the Franchise*, 8 SEATTLE J. SOC. JUST. 1 (2009) (LatCrit XIII); Study Space Panama, Symposium, *Entering the 21st Century: Challenges and Opportunities of Panama's Explosive Urban Growth*, 4 TENN. J. LAW & POL'Y 163 (2008); Study Space Bogota, Symposium, *Multicultural Colombia: Urban & Rural Lands, Rights of Self-Governance and Cultural Difference*, 40 U. MIAMI INTER-AM. L. REV. 197 (2009) (Study Space II). In addition to these program-based publications, LatCrit scholars have produced two other stand-alone symposia, each published jointly by two journals collaborating on the same texts. See Symposium, *LatCrit: Latinas/os and the Law*, 85 CAL. L. REV. 1087 (1997), 10 LA RAZA L.J. 1 (1998); Symposium, *Culture, Language, Sexuality and Law: LatCrit Theory and the Construction of the Nation*, 5 MICH. J. RACE & L. 787 (2000), 33 U. MICH. J. L. REFORM 203 (2000). Information on LatCrit theory, including the full text of most of the LatCrit symposia based on our annual conferences or other academic events (such as the International and Comparative Colloquia and the South-North Exchanges) can be obtained at the LatCrit website, <http://www.latcrit.org>.

n47 See generally Hernandez-Truyol et al., *Beyond the First Decade*, *supra* note 6.

n48 Francisco Valdes, *Foreword: Latina/o Ethnicities, Critical Race Theory and Post-Identity Politics in Postmodern Legal Discourses: From Practices to Possibilities*, 9 LA RAZA L.J. 1 (1996).

n49 See generally Valdes, *Poised at the Cusp*, *supra* note 6.

n50 See *supra* notes 24-31 and accompanying text (on Realism and Critical Legal Studies).

n51 See, e.g., Kimberle Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. REV. 1241 (1990).

n52 See, e.g., MARI MATSUDA, *WHERE IS YOUR BODY? AND OTHER ESSAYS ON RACE, GENDER AND THE LAW* (1996).

n53 See, e.g., Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1989).

n54 See, e.g., Berta Esperanza Hernandez-Truyol, *Building Bridges--Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1994).

n55 See, e.g., Darren Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997).

n56 See, e.g., Jerome McCristal Culp Jr., *Latinos, Blacks, Others and the New Legal Narrative*, 2 HARV. LATINO L. REV. 479 (1997).

n57 See, e.g., Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987).

n58 See, e.g., Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177 (1999).

n59 See, e.g., Montoya, *supra* note 14.

n60 See, e.g., Leslie G. Espinoza, *Masks and Other Disguises: Exposing Legal Academia*, 103 HARV. L. REV. 1878 (1990).

n61 See, e.g., GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER (Adrien Katherine Wing, ed. 2000).

n62 See, e.g., ROBERT S. CHANG, *DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE* (1999).

n63 See, e.g., CRITICAL RACE THEORY: AN INTRODUCTION (Richard Delgado & Jean Stefancic, eds., 2001).

n64 See, e.g., DERRICK BELL, *SILENT COVENANT: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM* (2004); DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

n65 See, e.g., Carmen Gonzalez, *Environmental Impact Assessment in Post-Colonial Societies: Reflections on the Expansion of the Panama Canal*, 4 TENN. J. LAW & POL'Y 303 (2008).

n66 See, e.g., Charles Pouncy, *Introduction to LatCrit X: Critical Approaches to Economic In/Justice*, 17 BERKELEY LA RAZA L.J. [iii] (2006).

n67 See, e.g., Guadalupe Luna, *Gold, Souls, and Wandering Clerics: California Missions, Native Californians, and LatCrit Theory*, 33 U.C. DAVIS L. REV. 921 (2000).

n68 See, e.g., Tayyab Mahmud, *Colonialism and Modern Constructions of Race: A Preliminary Inquiry*, 53 U. MIAMI L. REV. 1219 (1999).

n69 Because the "OutCrit" denomination is an effort to conceptualize and operationalize the social justice analyses and struggles of varied and overlapping yet "different" subordinated groups in an inter-connective way, "OutCrit" refers (at least initially) to those scholars who identify and align themselves with out-groups in this country, as well as globally, including those who have recently launched lines of critical inquiry within legal culture, including critical legal studies. Thus, while "outsider jurisprudence" may be, but is not always, nor necessarily, "critical" in perspective, the OutCrit stance is by definition critical in nature. OutCrit positionality, then, is framed around the need to critique and combat, in collective and coordinated ways, the mutually-reinforcing systems of subordination and domination that construct both out-groups and in-groups. For further discussion of this designation, see Francisco Valdes, *Outsider Scholars, Legal Theory and OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831 (2000).

n70 See, e.g., Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997).

n71 See, e.g., Charles R. Lawrence III, *Race, Multiculturalism, and the Jurisprudence of Transformation*, 47 STAN. L. REV. 819 (1995).

n72 While we have quite self-consciously set out to contribute to the continuing vitality of critical outsider jurisprudence, we have added our distinctive innovations or modifications along the way, both in substantive and methodological terms. See *infra* notes 73-99 and accompanying text (providing an overview).

n73 LatCrits, like "Latinas/os" and other social groups, are a collection of "different" individuals. See Sylvia A. Marotta & Jorge G. Garcia, *Latinos in the U.S. in 2000*, 25 HISP. J. BEHAV. SCI. 13 (2003); Luis Angel Toro, *"A People Distinct from Other": Race and Identity in Federal Indian Law and the Hispanic Classification in OMB Directive No. 15*, 26 TEX. TECH. L. REV. 1219 (1995) (critiquing the ramifications of the current labeling system in the U.S., which "lumps together all people who can connect themselves to some 'Spanish origin or culture' together as 'Hispanics'"); see also, J. JORGE KLOR DE ALVA, TELLING HISPANICS APART: LATINO SOCIOCULTURAL DIVERSITY, IN THE HISPANIC EXPERIENCE IN THE U.S.: CONTEMPORARY ISSUES AND PERSPECTIVES 107, 107-36 (Edna Acosta-Belen & Barbara R. Sjoström eds., 1988); SUZANNE OBOLER, ETHNIC LABELS, LATIN LIVES (1995); EARL SHORRIS, LATINOS: A BIOGRAPHY OF THE PEOPLE (1992); LATINOS IN THE U.S.: HISTORY, LAW AND PERSPECTIVE (Antoinette Sedillo Lopez ed., 1995); see generally THE LATINO/A CONDITION: A CRITICAL READER (Richard Delgado & Jean Stefancic eds., 1998). Conventional labels used socially in the U.S. are captured formally in the most recent national census, which amalgamates "Spanish/Hispanic/Latino" into a single category, and then subdivides it into subgroup varieties like "Mexican, Mexican American, Chicano" and "Puerto Rican" and "Cuban." See U.S. Dep't of Commerce, Bureau of the Census, Form D-1, Question Seven (2000) (copy on file with author); see generally Alex M. Saragoza et al., *History and Public Policy: Title VII and the Use of the Hispanic Classification*, 5 LA RAZA L.J. 1 (1992) (discussing federal adoption of the "Hispanic" label and critiquing the conglomeration of the Spanish-Hispanic-Latina/o labels into a single identity category). Thus, from the very beginning, LatCrit scholars have grappled with racial, ethnic, and other forms of "diversity" both within and beyond "Latina/o" communities. See *Theorizing "OutCrit" Theories supra* note 6, at 1311-21 and sources cited therein on sameness/difference issues.

n74 For some of the essays flowing from that encounter, see Emily Fowler Hartigan, *Disturbing the Peace*, 19 CHICANO-LATINO L. REV. 479 (1998); Nancy K. Ota, *Falling From Grace: A Meditation on LatCrit II*, 19 CHICANO-LATINO L. REV. 437 (1998); Reynaldo Anaya Valencia, *On Being an "Out" Catholic: Contextualizing The Role of Religion at LatCrit II*, 19 CHICANO-LATINO L. REV. 449 (1998). For a discussion of these essays, and of religion in LatCrit theory, see Margaret E. Montoya, *Religious Rituals and LatCrit Theorizing*, 19 CHICANO-LATINO L. REV. 417 (1998). For readings on religion and LatCrit theory flowing from follow-up programs, see Gua-

dalupe T. Luna, *Gold, Souls and Wandering Clerics: California Missions, Native Californians and LatCrit Theory*, 33 U.C. DAVIS L. REV. 921 (2000); Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U.C. DAVIS L. REV. 973 (2000); Terry Rey, *"The Virgin's Slip is Full of Fireflies": The Multiform Struggle Over the Virgin Mary's Legitimizing Macht in Latin America and Its U.S. Diasporic Communities*, 33 U.C. DAVIS L. REV. 955 (2000). For a discussion of these essays, and more generally of religion in LatCrit theory, see Francisco Valdes, *Introduction: Piercing Webs of Power: Identity, Resistance and Hope in LatCrit Theory and Praxis*, 33 U.C. DAVIS L. REV. 897 (2000). As these readings indicate, today's religious traditions in the Americas--like Euro-heteropatriarchy as a whole--were transplanted from Europe and forcibly imposed on indigenous communities and religions as part of colonial conquest and domestication. See Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN 161 (1996) (describing some basic tenets of Euro-heteropatriarchal social ideologies); Francisco Valdes, *Identity Maneuvers in Law and Society: Vignettes of a Euro-American Heteropatriarchy*, 71 UMKC L. REV. 377 (2002) (elaborating Euroheteropatriarchy); Francisco Valdes, *Afterword: Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality and Responsibility in Social Justice Scholarship--Or, Legal Scholars as Cultural Warriors*, 75 DENVER U. L. REV. 1409, 1427-28 (1998).

n75 For a critical discussion of "hispanismo" as a form of identity ideology that helps to explain this essentialization, see Francisco Valdes, *Race, Ethnicity and Hispanismo in a Triangular Perspective: The "Essential Latina/o" and LatCrit Theory*, 48 UCLA L. REV. 305 (2000).

n76 For a sampling of readings on race, ethnicity and identity in LatCrit theory, see Robert S. Chang, *Racial Cross-Dressing*, 2 HARV. LATINO L. REV. 423 (1997); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 CAL. L. REV. 1395 (1997); Leslie Espinoza & Angela P. Harris, *Afterword: Embracing the Tar-Baby: LatCrit Theory and the Sticky Mess of Race*, 85 CAL. L. REV. 1585 (1997); Ian F. Haney Lopez, *Race, Ethnicity, Erasure: The Salience of Race to LatCrit Theory*, 85 CAL. L. REV. 1143 (1997); Ian F. Haney Lopez, *Retaining Race: LatCrit Theory and Mexican American Identity in Hernandez v. Texas*, 2 HARV. LATINO L. REV. 279 (1997); Kevin R. Johnson, *"Melting Pot" or "Ring of Fire?": Assimilation and the Mexican-American Experience*, 85 CAL. L. REV. 1262 (1997); Cheryl Little, *Intergroup Coalitions and Immigration Politics: The Haitian Experience in Florida*, 53 U. MIAMI L. REV. 717 (1999); Guadalupe T. Luna, *On the Complexities of Race: The Treaty of Guadalupe Hidalgo and Dred Scott v. Sandford*, 53 U. MIAMI L. REV. 691 (1999); George A. Martinez, *African-Americans, Latinos and the Construction of Race: Toward an Epistemic Coalition*, 19 CHICANO-LATINO L. REV. 213 (1998); Rachel Moran, *Neither Black Nor White*, 2 HARV. LATINO L. REV. 61 (1997); Juan F. Perea, *The Black/White Binary Paradigm of Race: The 'Normal Science' of American Racial Thought*, 85 CAL. L. REV. 1213 (1997); Imani Perry, *Of Desi, J.Lo and Color Matters: Critical Race Theory and the Architecture of Race*, 52 CLEV. ST. L. REV. 139 (2005). In addition, a cluster of essays in the LatCrit V symposium was focused on comparative racialization. For a discussion of those essays, see Kevin R. Johnson, *Introduction: Comparative Racialization: Culture and National Origin in Latina/o Communities*, 78 DENV U. L. REV. 633 (2001). For other recent readings on comparative racialization in the U.S. and Latin America, see Taunya Lovell Banks, *Colorism: A Darker Shade of Pale*, 47 UCLA L. REV. 1705 (2000); Neil Gotanda, *Comparative Racialization: Racial Profiling and the Case of Wen Ho Lee*, 47 UCLA L. REV. 1689 (2000); Tanya Kateri Hernandez, *Multiracial Matrix: The Role of Ideology in Enforcement of Antidiscrimination Laws, A U.S.-Latin America Comparison*, 87 CORNELL L. REV. 1093, 1133-44 (2002).

n77 See *supra* note 74 and sources cited therein (on religion and LatCrit theory).

n78 Most recently, for example, LatCrits devoted the Ninth Annual LatCrit Conference to cultural warfare. See *supra* note 46 (citing the LatCrit IX symposium).

n79 By way of recent example, the LatCrit VI symposium included a cluster of essays on Cultural and Postcolonial Critiques in LatCrit Theory. For a discussion of these essays, see Keith Aoki, *Cluster Introduction: One Hundred Years of Solitude: The Alternate Futures of LatCrit Theory*, 54 RUTGERS L. REV. 1031 (2002). These lines of LatCritical inquiry overlap because they flow from the same set of historical and structural facts: the Latina/o "presence" in the lands now known as the U.S. is due principally to American expansionism and imperialism; the Mexican, Puerto Rican and other Latina/o communities now in the U.S. originally did not cross any borders to arrive or migrate here--the border crossed them, thereby initiating the dynamics of today. See, e.g., RODOLFO ACUNA, OCCUPIED AMERICA (3d ed. 1988) (assessing Chicana/o communities as internal colonies); GILBERT PAUL CARRASCO, LATINOS IN THE U.S.: INVITATION AND EXILE, IN IMMIGRANTS OUT! THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE 190 (Jean F. Perea ed., 1997) (reviewing history of U.S. labor policies designed to attract Latina/o migrant workers, who then are not only exploited and maltreated but also disdained as "illegal immigrants"); Gerald P. Lopez, *Undocumented Mexican Migration: In Search of a Just Immigration Law and Policy*, 28 UCLA L. REV. 615 (1981) (evaluating the structural dis/incentives to immigration from Mexico to the U.S.); MARIFELI PEREZ-STABLE, THE CUBAN REVOLUTION: ORIGINS, COURSE, LEGACY, 14-60 (2d ed. 1999) (outlining the "mediated sovereignty" of

Cuba under the tutelage of the U.S. following its "independence" from Spain after the conclusion of the Spanish-American War in 1898); MARIA DE LOS ANGELES TORRES, IN THE LAND OF MIRRORS: CUBAN EXILE POLITICS IN THE U.S. 74-83 (1999) (focusing on Cuba and its diaspora in the U.S.); Ediberto Roman, *Empire Forgotten: The U.S.' Colonization of Puerto Rico*, 42 VILL. L. REV. 1119 (1997) (critiquing the colonial position of Puerto Rico as a "commonwealth of the U.S., also resulting from the conclusion of the Spanish-American War in 1898"); Symposium, *Understanding the Treaty of Guadalupe Hidalgo on Its 150th Anniversary*, 5 SW. J. L. & TRADE AM. 1 (1998). American adventurism and interventionism throughout the Americas under policy imperatives such as the Monroe Doctrine and the Cold War similarly has catalyzed Latinas/os' presence in the U.S.--it is no coincidence that Latina/o groups in the U.S. hail mostly from the places in which the U.S. has most interfered, such as Mexico. Puerto Rico, Cuba, Nicaragua, Guatemala, the Dominican Republic and El Salvador. See generally ARLENE M. DAVILA, SPONSORED IDENTITIES: CULTURAL POLITICS IN PUERTO RICO (1997); WALTER LAFEVER, INEVITABLE REVOLUTIONS: THE U.S. IN CENTRAL AMERICA (2d ed. 1993); THE PUERTO RICAN MOVEMENT: VOICES FROM THE DIASPORA (Andres Torres & Jose E. Velazques eds., 1998); SILVIO TORRES-SAILLANT & RAMONA HERNANDEZ, THE DOMINICAN AMERICANS (1998); see generally RUBIN FRANCIS WESTON, RACISM IN U.S. IMPERIALISM (1972) (providing a comprehensive account of U.S. imperialism and white supremacy, and illustrating how the areas targeted by those imperialist ventures now are the sources of today's immigrant communities, including Cuba, Puerto Rico, Hispaniola, the Philippines and other areas in and beyond the Americas).

n80 Reflecting the salience of "language" to the racialization and subordination of "Latina/o" identities, LatCrit scholars have analyzed the power dynamics of language from various angles. See, e.g., Steven W. Bender, *Direct Democracy and Distrust: The Relationship Between Language Law Rhetoric and the Language Vigilantism Experience*, 2 HARV. LATINO L. REV. 145 (1997); William Bratton, *Law and Economics of English Only*, 53 U. MIAMI L. REV. 973 (1999); Christopher David Ruiz Cameron, *How the Garcia Cousins Lost Their Accents: Understanding the Language of Title VII Decisions Approving English-Only Rules as the Product of Racial Dualism, Latino Invisibility, and Legal Indeterminacy*, 85 CAL. L. REV. 1347 (1997), 10 LA RAZA L.J. 261 (1998); Drucilla Cornell, *The Imaginary of English Only*, 53 U. MIAMI L. REV. 977 (1999); Sharon K. Hom, *Lexicon Dreams and Chinese Rock and Roll: Thoughts on Culture, Language, and Translation as Strategies of Resistance and Reconstruction*, 53 U. MIAMI L. REV. 1003 (1999); Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy and Discourse*, 5 MICH. J. RACE & L. 847 (2000), 33 U. MICH. J.L. REFORM 263 (2000). For a discussion of some of these works, see Keith Aoki, *Introduction: Language is a Virus*, 53 U. MIAMI L. REV. 961 (1999). For additional readings, see Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329 (1991); Juan F. Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism and Official English*, 77 MINN. L. REV. 269 (1992).

n81 For instance, the LatCrit V program was focused on "Class in LatCrit: Theory and Praxis in a World of Economic Inequality." See *Class in LatCrit*, *supra* note 6. The same is true for the prior year, when the LatCrit IV symposium included a cluster of essays on "Forging Identities: Transformative Resistance in the Areas of Work, Class and the Law." For a discussion of these essays, see Maria L. Ontiveros, *Introduction*, 33 U.C. DAVIS L. REV. 1057 (2000). In addition, the LatCrit VI symposium featured a cluster of essays on class, economics, and social rights. For a discussion of those essays, see Jane E. Larson, *Cluster Introduction: Class, Economics and Social Rights*, 54 RUTGERS L. REV. 853 (2002). More recently, the South North Exchange (SNX), held in Bogota in May, 2006, focused on "Free Market Fundamentalisms" to frame class construction in global terms. The papers of that SNX program are published as Symposium, *Free-Market Fundamentalisms and LatCrit Theory*, 5 SEATTLE J. SOC. JUST. 2 (2007). For more information on this and other SNX programs, visit the LatCrit website at [www.latcrit.org](http://www.latcrit.org). And, most recently, the LatCrit X theme and symposium also centered economic in/justice in our programmatic work. See Symposium, *LatCrit Theory: Critical Approaches to Economic In/Justice*, 26 UCLA CHICANO-LATINO L. REV. 1 (2006), 17 BERKELEY LA RAZA L.J. 1 (2006). For other individual essays published in the LatCrit symposia, see Christopher David Ruiz Cameron, *The Labyrinth of Solidarity: Why the Future of the American Labor Movement Depends on Latino Workers*, 53 U. MIAMI L. REV. 1089 (1999); Roberto L. Corrada, *A Personal Re/View of Latino/a Identity, Gender and Class Issues in the Context of the Labor Dispute Between Sprint and La Connexion Familiar*, 53 U. MIAMI L. REV. 1065 (1999) (centering class issues and identities in searching exploration of the ethical conundrums confronting Latina/os professionals); Tanya K. Hernandez, *An Exploration of Class-Based Approaches to Racial Justice: The Cuban Context*, 33 U.C. DAVIS L. REV. 1135 (2000); Mary Romero, *Immigration and the Servant Problem and the Legacy of the Domestic Labor Debate: Where Can You Find Good Help These Days!*, 53 U. MIAMI L. REV. 1045 (1999).

n82 This ongoing inquiry was featured in the LatCrit XI conference theme, which focused on immigration-related issues. Reflecting the Las Vegas location for the 2006 conference, the LatCrit XI theme was "Working and Living in the Global Playground: Frontstage and Backstage." The LatCrit XI Call for Papers, Program Schedule and Related Information is on the LatCrit website, available at <http://www.latcrit.org> (follow "Annual Conferences" hyperlink; then follow "LC XI" hyperlink); see also *supra* note 46 (citing the LatCrit XI symposium).

n83 See *infra* notes 121-123 and sources cited therein (on intra-inter-group issues and relations in LatCrit theory and praxis).

n84 See *supra* note 73 and sources cited therein (on same/difference issues and the formation of LatCrit theory and community).

n85 The programmatic framing of issues in intra- and inter-group terms oftentimes helps to promote cross-understanding across various sources of difference. To do so, however, participants to this discourse and praxis must make a commitment to working through eruptions of misunderstanding in principled, open, and mutual terms. With persistence, this process builds trust, which in turn strengthens the conditions necessary to coalitional collective action based on shared principles and practices. However, these efforts have sometimes failed in various ways. See generally *infra* notes 113-114 and accompanying text (on LatCrit programs and efforts regarding Filipina/o and indigenous scholars and studies).

n86 For a sampling of readings on transnationalism and internationalism in LatCrit theory, see *International Law, Human Rights and LatCrit Theory*, *supra* note 46 (publishing the proceedings of the first LatCrit International and Comparative Law Colloquium, or ICC, which took place in Miami following the LatCrit I conference in San Diego and the pre-LatCrit colloquium in Puerto Rico); Max J. Castro, *Democracy in Anti-Subordination Perspective: Local/Global Intersections: An Introduction*, 53 U. MIAMI L. REV. 863 (1999); Gil Gott, *Critical Race Globalism?: Global Political Economy, and the Intersections of Race, Nation, and Class*, 33 U.C. DAVIS L. REV. 1503 (2000); Ivelaw L. Griffith, *Drugs and Democracy in the Caribbean*, 53 U. MIAMI L. REV. 869 (1999); Sharon K. Horn, *Lexicon Dreams and Chinese Rock and Roll: Thoughts on Culture, Language, Translation as Strategies of Resistance and Reconstruction*, 53 U. MIAMI L. REV. 1003 (1999); Irwin P. Stotzky, *Suppressing the Beast*, 53 U. MIAMI L. REV. 883 (1999); Ratna Kapur & Tayyab Mahmud, *Hegemony, Coercion and Their Teeth-Gritting Harmony: A Commentary on Power, Culture, and Sexuality in Franco's Spain*, 5 MICH. J. RACE & L. 995 (2000), 33 U. MICH. J.L. REFORM 411 (2000); Tayyab Mahmud, *Colonialism and Modern Constructions of Race: A Preliminary Inquiry*, 53 U. MIAMI L. REV. 1219 (1999); Mario Martinez, *Property as an Instrument of Power in Nicaragua*, 53 U. MIAMI L. REV. 907 (1999); Julie Mertus, *Mapping Civil Society Transplants: A Preliminary Comparison of Eastern Europe and Latin America*, 53 U. MIAMI L. REV. 921 (1999); Ediberto Roman, *Reconstructing Self-Determination: The Role of Critical Theory in Positivist International Law Paradigm*, 53 U. MIAMI L. REV. 943 (1999); Ediberto Roman, *A Race Approach To International Law (Rail): Is There A Need For Yet Another Critique Of International Law?*, 33 U.C. DAVIS L. REV. 1519 (2000); Berta Esperanza Hernandez-Truyol, *Building Bridges: Bringing International Human Rights Home*, 9 LA RAZA L.J. 69 (1996).

n87 See generally Moran, *supra* note 76 (discussing, throughout the essay, how "Latinas/os" straddle these standard categories of analysis and therefore are overlooked).

n88 For a sampling of some early contributions to the LatCrit record from authors who are not U.S. law professors, see Ratna Kapur, *Post-Colonial Economies of Desire: Legal Representations of the Sexual Subaltern*, 78 DENV. U. L. REV. 855 (2001); Lisa Sun-Hee Park, *Perpetuation of Poverty Through "Public Charge,"* 78 DENV. U. L. REV. 1161 (2001); K.L. Broad, *Critical Borderlands & Interdisciplinary, Intersectional Coalitions*, 78 DENV. U. L. REV. 1141 (2001); Virginia P. Coto, *LUCHA. The Struggle for Life: Legal Services for Battered Immigrant Women*, 53 U. MIAMI L. REV. 749 (1999); Lyra Logan, *Florida's Minority Participation in Legal Education Program*, 53 U. MIAMI L. REV. 743 (1999); Gema Perez-Sanchez, *Franco's Spain, Queer Nation?*, 5 MICH. J. RACE & L. 943 (2000); 33 U. MICH. J. L. REFORM 359 (2000); Luz Guerra, *LatCrit y La Des-Colonizacion Nuestra: Taking Colon Out*, 19 CHICANO-LATINO L. REV. 351 (1998); Max J. Castro, *Democracy in Anti-Subordination Perspective: Local/Global Intersections: An Introduction*, 53 U. MIAMI L. REV. 863 (1999); Griffith, *supra* note 86. For a similar but more recent sampling, see Aniella Gonzalez, *Being Individuals: A Comparative Look at Relationships, Gender & the Public/Private Dichotomy*, 9 U. MIAMI INT'L & COMP. L. REV. 115 (2001); Angie L. Padin, *Hispanismo as Leverage: LatCrit Questions Spain's Motives*, 9 U. MIAMI INT'L & COMP. L. REV. 165 (2001); Nicholas A. Gunia, *Half The Story Has Never Been Told: Popular Jamaican Music As Antisubordination Praxis*, 33 U.C. DAVIS L. REV. 1333 (2000); Ellen J. Pader, *Space of Hate: Ethnicity, Architecture and Housing Discrimination*, 54 RUTGERS L. REV. 881 (2002); Manuel J. Caro, *Typing Racism in El Ejido To Spanish and European Politics*, 54 RUTGERS L. REV. 893 (2002); Beverly A. Greene, *Heterosexism and Internalized Racism Among African Americans: The Connections and Considerations for African American Lesbians and Bisexual Women: A Clinical Psychological Perspective*, 54 RUTGERS L. REV. 931 (2002); Ward Churchill, *The Law Stood Squarely on Its Head: U.S. Legal Doctrine, Indigenous Self-Determination and the Question of World Order*, 81 OR. L. REV. 663 (2002); Joe R. Feagin, *White Supremacy and Mexican Americans: Rethinking the "Black-White Paradigm"*, 54 RUTGERS L. REV. 959 (2002); Boaventura de Sousa Santos, *Nuestra America: Reinventing a Subaltern Paradigm of Recognition and Redistribution*, 54 RUTGERS L. REV. 1049 (2002); Deon Erasmus, *"Will She Speak, or Won't She? That is The Question": Comments on the Communal Land Rights Bill*, 16 FLA. J. INT'L L. 539 (2004); Dominique Legros, *Indigenous Peoples' Self-Determination and the Broken Tin Kettle Music of Human Rights and Liberal Democracy*, 16 FLA. J. INT'L L. 579 (2004); Jose Maria Monzon, *Let There Be Justice: The Double Standard of Application of Legal Norms*, 16 FLA. J. INT'L L. 639 (2004);

Karin van Marle, *"Meeting the World Halfway"--The Limits of Legal Transformation*, 16 FLA. J. INT'L L. 651 (2004); Charles R. Venator Santiago, *Race, Nation-Building and Legal Transculturation During the Haitian Unification Period (1822-1844): Towards a Haitian Perspective*, 16 FLA. J. INT'L L. 667 (2004); Fred Evans, *Multi-voiced Society: Philosophical Nuances on Rushdie's Midnight's Children*, 16 FLA. J. INT'L L. 727 (2004); Joshua Price & Maria Lugones, *Encuentros and Desencuentros: Reflections on a LatCrit Colloquium in Latin America*, 16 FLA. J. INT'L L. 743 (2004); Charles R. Venator Santiago, *Race, Nation-Building and Legal Transculturation During the Haitian Unification Period (1822-1844): Towards a Dominican Perspective*, 52 CLEV. ST. L. REV. 63 (2005); Mary Romero & Marwah Serag, *Violation of Latino Civil Rights Resulting From INS and Local Police's Use of Race, Culture and Class Profiling: The Case of the Chandler Roundup in Arizona*, 52 CLEV. ST. L. REV. 75 (2005); Marta Nunez Sarmiento, *Changes in Gender Ideology Among Professional Women and Men in Cuba Today*, 52 CLEV. ST. L. REV. 173 (2005); Nicholas Espiritu, *(E)Racing Youth: The Racialized Construction of California's Proposition 21 and the Development of Alternate Contestations*, 52 CLEV. ST. L. REV. 189 (2005); Aaron Monty, *Re-translating Differences*, 52 CLEV. ST. L. REV. 255 (2005); Ronald L. Mize, Jr., *Reparations for Mexican Braceros? Lessons Learned from Japanese and African American Attempts at Redress*, 52 CLEV. ST. L. REV. 273 (2005); Kim David Chanbonpin, *How the Border Crossed Us: Filling the Gap Between Plume v. Seward and the Dispossession of Mexican Landowners in California After 1848*, 52 CLEV. ST. L. REV. 297 (2005); Antonia Darder, *Schooling and the Empire of Capital: Unleashing the Contradictions*, 50 VILL. L. REV. 847 (2005); Mary Romero, *Revisiting OutCrits with a Sociological Imagination*, 50 VILL. L. REV. 925 (2005); Maria Clara Dias, *Moral Dimensions of Nationalism*, 50 VILL. L. REV. 1063 (2005); Gil Gott, *The Devil We Know: Racial Subordination and National Security Law*, 50 VILL. L. REV. 1073 (2005).

n89 See *infra* note 116 and accompanying text (on the limitations of inter-disciplinarity in LatCrit theorizing and programmatic efforts).

n90 The diverse publications and portfolio of projects produced, created, and sustained by LatCrit scholars during the past thirteen years vividly illustrates this point. To view LatCrit publications or information on LatCrit projects, please visit the LatCrit website at [www.latcrit.org](http://www.latcrit.org).

n91 For one articulation of this point, see Elizabeth M. Iglesias & Francisco Valdes, *Afterword: LatCrit at Five: Institutionalizing a Postsubordination Future*, 78 DENV. U. L. REV. 1249, 1251-55 (2001).

n92 For one good example, see Reginald C. Oh, *Mapping a Materialist LatCrit Discourse on Racism*, 52 CLEV. ST. L. REV. 243 (2005). For background reading on "class" in critical outsider jurisprudence, see Kevin R. Johnson, *Roll Over Beethoven: "A Critical Examination of Recent Writing About Race"*, 82 TEX. L. REV. 717 (2004).

n93 See, e.g., *supra* notes 74-82 and sources therein (citing both individual essays as well as conference programs).

n94 See *infra* notes 99-110 and accompanying text (on outsider democracy).

n95 See Montoya & Valdes, *"Latinas/os" and Latina/o Legal Studies*, *supra* note 6, at 232-234.

n96 *Id.*

n97 *See id.* at 219-224 (summarizing SALT and LSA).

n98 *Id.* at 201-214 (on the imperial tradition).

n99 This multifaceted focus is framed by the functions and guideposts that have anchored our collective work. *See supra* notes 40-42 and accompanying text (on the functions and guideposts).

n100 For an early, self-critical articulation of this point, published in the LatCrit I symposium, see Sumi Cho, *Essential Politics*, 2 HARV. LATINO L. REV. 433 (1995). For a more recent articulation of similar points and concerns, published in the LatCrit IX symposium, see Aya Gruber, *Navigating Diverse Identities: Building Coalitions Through Redistribution of Academic Capital--An Exercise in Praxis*, 35 SE-  
TON HALL L. REV. 1201 (2005).

n101 *See supra* note 16 and accompanying text (quoting Professor Lopez).

n102 *See generally* Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LA-  
TINO L. REV. 1 (1997) (publishing the essays from the First Annual LatCrit Conference).

n103 This effort is reflected in the commitment to continuity, *see* Montoya & Valdes, "*Latinas/os*" and *Latina/o* Legal Studies, *supra* note 6 at 225-226 and accompanying text, as well as in the "LatCrit Conference Transition Memos" designed to convey institutional experience and memory (*available at* <http://www.latcrit.org>) (for the various memos, follow the "Annual Conferences" hyperlink).

n104 For more information on LatCrit projects, programs and publications, visit the LatCrit website at [www.latcrit.org](http://www.latcrit.org).

n105 *See supra* note 40 and accompanying text (on the functions of theory).

n106 *See, e.g., Beyond the First Decade, supra* note 6 (providing a historical perspective on the conditions surrounding the emergence of LatCrit scholarship in the mid-1990s). For an early elaboration of this rollback campaign or "counter-revolution" from a mainstream perspective, *see* Kenneth Karst, *Religion, Sex, and Politics: Cultural Counterrevolution in Constitutional Perspective*, 24 U.C. DAVIS L. REV. 677 (1991). For similar exposition from a critical outsider perspective, *see* Kimberle Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988). For a more recent critical overview of the backlash campaigns in and through law, *see* Francisco Valdes, *Culture, "Kulturkampf" and Beyond: The Antidiscrimination Principle Under the Jurisprudence of Backlash*, in THE BLACKWELL COMPANION TO LAW AND SOCIETY 271-91 (Austin Sarat ed., 2004).

n107 See Hernandez-Truyol, et al., *Beyond the First Decade*, *supra* note 6, at 269-72 (on "personal collective praxis").

n108 See Montoya & Valdes, "*Latinas/os*" and *Latina/o Legal Studies*, *supra* note 6 at 225-227 (on intergenerational emphases in the democratic model).

n109 See *supra* note 20 and accompanying text (recounting Professor Rojas's query and the collective response).

n110 See, e.g., Hernandez-Truyol, et al., *Beyond the First Decade*, *supra* note 6, at 268-70 (on early LatCrit commitments to these programmatic practices).

n111 See *id.*, at 268-75 (on praxis and the LatCrit Portfolio of Projects).

n112 During the past decade, two ambient dangers have been among the most salient. The first has been the anti-critical bent of the legal academy, which engineered the "death" of critical legal studies and the banishment of "crits" from law faculties throughout the country in the 1990's and since. See, e.g., Richard M. Fischl, *The Question that Killed Critical Legal Studies*, 17 LAW & SOC. INQUIRY 779 (1992) (discussing the cause/s of "death" of Critical Legal Studies). The second was the anti-identitarian backlash of the culture wars, which insisted on formal blindness to traditionally vexed identity categories such as race, gender, ethnicity, and class in public discourse and policy-making. See generally *supra* note 106 and sources cited therein (on backlash and retrenchment).

n113 See, e.g., Leti Volpp, *American Mestizo: Filipinos and Antimiscegenation Laws in California*, 33 U.C. DAVIS L. REV. 795 (2000); Victor G. Romero, *Aren't You Latino: Building Bridges upon Common Misperceptions*, 33 U.C. DAVIS L. REV. 837 (2000).

n114 See, e.g., Luz Guerra, *LatCrit y La Des-Colonizacion Nuestra: Taking Colon Out*, 19 CHICANO-LATINO L. REV. 351 (1998).

n115 This resource limitation involved both fiscal and human resources. We possessed neither the funding nor the administrative infrastructure to support travel by scholars from various disciplines, communities or regions who themselves lack sufficient institutional support for this work.

n116 See, e.g., Valdes, *Theorizing "OutCrit" Theories*, *supra* note 6 (on comparing various outsider experiences with critical jurisprudence).

n117 See Hernandez-Truyol, et al., *Beyond the First Decade*, *supra* note 6 at 282-87 (on LatCrit commitments to internationalism).

n118 *See supra* note 115 (on limitations imposed by our lack of both human and fiscal resources).

n119 In this sense, perhaps we are yet again somewhat like the Realists, who also "failed" to dislodge the supremacy of doctrinal traditionalism in legal knowledge production. If so, we can only hope to leave an imprint also akin to theirs, which does continue to thrive in contemporary legal studies. *See supra* notes 33-39 and accompanying text (on the resilience of Realist influence).

n120 I thank Kaaryn Gustafson for her invaluable leadership in helping us collectively address this particular failure.

n121 *See supra* notes 73-79 and accompanying text (on LatCrit contributions to critical outsider jurisprudence).

n122 *See supra* note 76 and sources cited therein (on race and ethnicity in LatCrit theory).

n123 *See, e.g.,* Valdes, *Theorizing "OutCrit" Theories*, *supra* note 6, at 1308-11 (recounting "contentious engagements" at various LatCrit conferences, including the first one); *see also supra* note 74 and sources cited therein (on the engagement of religion in early LatCrit venues).