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# LatCrit 2013 Conference Symposium Afterword: Theorizing and Building Critical Coalitions: Outsider Society and Academic Praxis in Local/Global Justice Struggles

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**LatCrit 2013 Conference Symposium  
Afterword: Theorizing and Building Critical  
Coalitions: Outsider Society and Academic Praxis  
in Local/Global Justice Struggles**

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Francisco Valdes\*

TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>985</b>
<b>I. LatCrit at 18: A Substantive Synopsis.....</b>	<b>995</b>
<i>A. Latinidades: Critical Outsider Jurisprudence and LatCrit Positionality.....</i>	<i>995</i>
<i>B. LatCrit as/and Academic Praxis: Theory as/and Action .....</i>	<i>1003</i>
<b>II. Critical Theory and Social Grounding: Premises, Priorities and Practices .....</b>	<b>1011</b>
<i>A. Social Responsibility in/and Critical Outsider Jurisprudence: A LatCritical Sketch .....</i>	<i>1011</i>
<i>1. Antisubordination Normativity .....</i>	<i>1013</i>
<i>2. Socio-economic and Societal Transformation .....</i>	<i>1014</i>
<i>3. Counter-categorical Starting Points .....</i>	<i>1015</i>
<i>4. From the Bottom Up .....</i>	<i>1016</i>
<i>5. Doctrinal Realism .....</i>	<i>1016</i>

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6. <i>Multidimensional Counter-disciplinarity</i> .....	1017
7. <i>Critical Historicism</i> .....	1018
8. <i>Social Justice Empiricism</i> .....	1019
9. <i>Glocalized Contextualism</i> .....	1020
10. <i>'Non-traditional' Methods</i> .....	1021
III. From Local to Global: Praxis in Postmodernity.....	1023
A. New Frontiers: Next Steps in Theory and Action .....	1023
B. <i>Critical Comparativism: South-North Framings and LatCrit Praxis</i> .....	1025
C. <i>Substantive Agendas: Hemispheric Justice Studies and Euro-heteropatriarchy</i> .....	1029
CONCLUSION.....	1033

## INTRODUCTION

Last year, 2013, the LatCrit community met for the first time not only in Chicago but also as a biennial rather than annual event. This switch from each year to every other year followed a self-study and strategic planning process spanning from 2008–2011 and was designed to reflect existing conditions within and beyond the LatCrit community at this point in history.<sup>1</sup> Equally important, this switch is a continuing expression of the original LatCrit commitment to praxis in personal and programmatic terms.<sup>2</sup>

This year's program and symposium illustrate again the many ways in which this diverse academic community aims to practice its commitment to praxis across multiple sectors of life and law. We aim to apply, perform, and develop theory by grounding our work in social foundations. We engage the social and the human to help us perform, inform, and reform theory both "internally" as well as "externally." In other words, we direct our work *both* to internal spheres of our professional lives, including the legal academy, as well as external spheres throughout society at large; we aim to produce material change in favor of social justice both within our ranks and the academy, as well as throughout society. As a result, a fluid community of overlapping networks has emerged, which today functions as a micro-society of academics and activists committed equally to critical approaches toward anti-subordination theory and action. The community is committed to the full dismantlement of social hierarchies and disgorgement of unjust riches based on identity or other structural constructs in our workplaces, communities, and the world.

This abiding commitment to critical anti-subordination praxis also is positively expressed in the theme of this year's conference: "Resistance

<sup>1</sup> See Francisco Valdes, *Coming Up: New Foundations in LatCrit Theory, Community, and Praxis*, 48 CAL. W. L. REV. 505, 509 (2012).

<sup>2</sup> See Margaret E. Montoya & Francisco Valdes, "*Latinas/os*" and *Latina/o* Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Legal Models of Knowledge-Production, 4 FLA. INT'L U. L. REV. 187 (2008).

Rising: Theorizing and Building Cross-Sector Movements.”<sup>3</sup> It is a timely theme, calling for a renewed emphasis on the roles that critical theory might or should play in the production and direction of social justice struggles, and as discussed below, the roles that action and activism must play in the formation of theory, especially in a time of nearly-hysterical backlash against “liberal” values. This year, the conference program and theme once again carried forward the LatCrit “countertradition” to the imperial status quo despite the consolidation of retrenchment all around us.

Therefore, in key respects, this year’s conference theme describes effectively the LatCrit community’s programmatic work within academic institutions and cultures during the past 18 years: since 1995, we have engaged in personal collective praxis across multiple markers of difference to construct critical coalitions based on shared values, goals, and practices. This work has entailed productive tensions as we navigated differences across multiple identity categories to cultivate a critical counter-tradition to the imperial status quo of legal academia in the form of outsider democracy and community. Over time, this work has helped to foster a fluid, open, diverse, multifaceted, and far-flung outsider society embedded within mainstream legal culture that is unprecedented in US history. And yet, whatever we may have achieved during the past near-two decades, critical outsider jurisprudence and anti-subordination policy agendas remain under equally unprecedented assault. Outsider society and scholarship remain under construction *and* under pressure.

This backdrop helps to explain why, from the inception of our work, LatCrits have recognized that collective action could leverage individual agency and that coalitional synergies could leverage group struggles. We recognized that a willful, substantive, ethical sense of community and

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<sup>3</sup> For more information on the program schedule for LatCrit 2013, please see LATCRIT, <http://latcrit.org/content/conferences/latcrit-biennial-conferences/latcrit-2013/> (last visited Mar. 21, 2014).

society would help to create the coalitions of mutual understanding and solidarity across multiple axes of differences necessary for collective action and critical coalitions. And we understood that we would have to work long and hard, energetically and creatively, to foster and nurture that sense of community and coalition in the context of societal backlash and institutional indifference, if not hostility. We understood that we would have to sustain these efforts if we were to endure beyond a year or two, or an event or two, under these trying circumstances.

Reflecting now on the two years since we last convened, the 2013 theme's and program's focus on cross-sector movements and resistance to oppression effectively calls upon LatCrit and allied networks to think hard, among other things, about the ongoing implementation of our five-year Strategic Plan, adopted in 2011 after three years of self-study precisely as part of our ongoing resistance against backlash and retrenchment by law.<sup>4</sup> Our current Strategic Plan encapsulates the LatCrit approach to theory and praxis generally. It also articulates specifically our current approach, in the context of today's zeitgeist, to theorizing and building critical coalitions both within and beyond the US legal academy.

In 2011, we identified ongoing changes within the LatCrit community, as well as throughout the academy and society at large, in order to tailor our ongoing events and new initiatives to ever-changing circumstances.<sup>5</sup> At that time, while noting the impressive growth and expansion within the diverse

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<sup>4</sup> See LATCRIT, REPORT OF THE STEERING COMMITTEE-AND-BOARD RETREAT TO CONCLUDE THE STRATEGIC PLANNING PROCESS (Sept. 15, 2011) [hereinafter LATCRIT REPORT] (on file with author).

<sup>5</sup> The LatCrit Report identified three sets of evolving circumstances that counseled a timely shift from annual to biennial LatCrit conferences: "1) the external landscape of conferences, programs and events devoted to the development of critical outsider jurisprudence that has arisen in recent years; 2) the organic internal evolution of specific projects or teams, and of LatCrit as a whole; 3) the evolving personal priorities of individual Board members and or project team members." *Id.* at 2. The desire to support and accommodate these internal and external ongoing changes were the basic motives for the LatCrit shift to biennial conferences. *Id.*

LatCrit community's legal academy and related networks of critical outsider scholars—"OutCrits"—we also noted the accelerating and growing waves of backlash directed specifically toward higher education as part of the ongoing "culture wars."<sup>6</sup> In the two years since our final annual conference, the reactionary dynamics of cultural warfare have continued to intensify as the legal academy is increasingly seen to be on the verge of multiple, converging crises as reported by the nation's media of record.<sup>7</sup>

Designed to help us chart our way through the next five years, the LatCrit Strategic Plan of 2011 reorganized our ongoing Portfolios of Projects into three "baskets" of programs (and publications).<sup>8</sup> Focused on continuing changes in the external circumstance surrounding us and our work within the US legal academy, the LatCrit Strategic Plan additionally placed a new emphasis on the establishment of a physical community center, a mini-campus directly under our control, as well as community publications, both online and in hard copy.<sup>9</sup> In the two years since the adoption of the LatCrit Strategic Plan and despite intensifying backlash against social justice work

<sup>6</sup> See Steven W. Bender & Francisco Valdes, *At and Beyond Fifteen: Mapping LatCrit Theory, Community, and Praxis*, 14 HARV. LATINO L. REV. 397 (2011).

<sup>7</sup> Last year, for instance, the New York Times announced "an existential crisis for law schools" and the following year—this year—issued "a call for drastic changes in educating new lawyers." See Ethan Bronner, *A Call for Drastic Changes in Educating New Lawyers*, N.Y. TIMES, Feb. 11, 2013, at A11, available at <http://www.nytimes.com/2013/02/11/us/lawyers-call-for-drastic-change-in-educating-new-lawyers.html>. For a straightforward, in-depth account, see Paul Campos, *Perspectives on Legal Education Reform: The Crisis of the American Law School*, 46 U. MICH. J. L. REFORM 177 (2012); Lincoln Caplan, *An Existential Crisis for Law Schools*, N.Y. TIMES, July 15, 2012 at SR10, available at [http://www.nytimes.com/2012/07/15/opinion/sunday/an-existential-crisis-for-law-schools.html?\\_r=0](http://www.nytimes.com/2012/07/15/opinion/sunday/an-existential-crisis-for-law-schools.html?_r=0).

<sup>8</sup> These three baskets of projects reflect three areas of activity already central to our collective programmatic work. One of these baskets reflects our "domestic" work in the United States, focused chiefly on law, policy, theory, and society. Another reflects our "international" work, which also emphasizes our commitments to counter-disciplinary analysis and action. See LATCRIT REPORT, *supra* note 4 at 2–6. The third basket reflects our expanding work on publications and information resources of various sorts, both traditional and online. *Id.*

<sup>9</sup> *Id.* at 4.

throughout the academy and across society, LatCritical networks have carried forward the conclusions and plans of our self-study and strategic planning processes with integrity, determination, and creativity. At this point, midway through our five-year Strategic Plan, we continue to carry on, as this conference and symposium richly attest, toward a third decade of LatCritical theory, community and praxis.

But, under the volatile circumstances generated by culture war backlash, LatCrit and related OutCrit networks increasingly will need to prepare to change and adjust our priorities and practices in order to keep working with integrity, determination, and creativity on our founding and core principles.<sup>10</sup> We will need, as always, to apply theory to action innovatively and to use action to reform theory imaginatively, but we will need to do it with even greater ingenuity, creativity, determination, and flexibility. Therefore, and happily from a “bottom-up” perspective, the LatCrit Board and community have already begun—at the LC 2013 conference in Chicago—a self-critical and wide-ranging self-review of where we stand today, mid-way through the implementation of our five-year Strategic Plan, in relation to our abiding values, principles, and goals.<sup>11</sup> Having drafted the Strategic Plan just over two years ago, the question before us now is: How are we doing with its implementation?

It therefore bears note that, throughout this ongoing follow-up process, the LatCrit Board and community must increasingly emphasize and emplace the necessary institutional transitions to new and coming generations. Because LatCrit theory, community, and praxis are human projects whose design and operation always have been mindful of our shared and imperfect humanity, we increasingly must center the desirability and inevitability of generational transitions. This emphasis should in turn be

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<sup>10</sup> See Bender & Valdes, *supra* note 6, at 401–09.

<sup>11</sup> This self-critical, self-review process is expected to take place during the next year or so and to result in various modifications to our current practices and plans, with the aim of staying substantively constant.



focused on producing timely forward-looking transitions in principled and ethical terms likely to help ensure the long-term integrity and sustainability of the critical outsider inroads established in US legal culture since the mid-1990s.

As outlined below, the original and early generations of LatCritters have endeavored for nearly two decades to establish an autonomous, enduring, efficacious zone of safety for the incubation of outsider criticalities and praxis networks. The energy and investment of these past two decades have created a functioning and vital experiment in critical outsider jurisprudence that has helped to expand both the ideas and the ranks of critical outsider communities in the US legal academy. These gains now depend increasingly—and inevitably—on the energy and investment of these expanded outsider ranks and on the substantive commitments they prioritize collectively and individually from year to year and from decade to decade, as earlier LatCrit generations welcome the next generation to frontline positions of community responsibility. While past and present work provides a sturdy point of departure for the work of the future, next steps and the future direction inevitably must depend on coming generations—on their proactive embrace of the critical outsider legacies leading to this historical moment, as well as their zestful engagement of the challenges and opportunities that lie ahead.

Fortunately, the collective work of the past 18 years positions today's LatCrit community, as well as rising generations of critical outsider scholars, to make choices among a range of viable programmatic options. Because of this past and ongoing work, these choices include the continuation, modification, or abatement of various projects or programs already a part of the LatCrit record, as discussed below. And because of recent initiatives resulting from our strategic planning process, these choices also include the option to combine synergistically our ongoing work with new possibilities. Never before have rising generations of critical outsider scholars in the United States been better positioned to push the

envelope of anti-subordination theory, community, and praxis in collective, coalitional programmatic terms.

Will—or should—these biennial conferences continue beyond the current five-year time frame of the 2011 Strategic Plan, or should this community instead focus its energies on developing a robust calendar of events to be conducted at our new community campus, Campo Sano, starting in 2015–16, or perhaps a bit of both? Will—or should—other projects in the LatCrit portfolio be similarly linked to Campo Sano to create new, sharp, and sustainable critical synergies? Will—or should—the LatCrit community begin to fuse our preexisting Portfolio of Projects as a whole with the new, targeted initiatives undertaken pursuant to our 2011 Strategic Plan, like Campo Sano and the Critical Justice Coursebook Project, and if so, how?

Moreover, how should we organize and develop the new community campus as an academic base of lived and living justice? How should we structure and operate a center, institute, or similar academic entity based at Campo Sano to foster, for generations to come, the basic anti-subordination values, aspirations, and activities of LatCrit scholars and affiliated persons, groups, or organizations? How should we maximize the potential of a bricks-and-mortar asset to take the work of the past 18 years to new levels of efficacy and durability? How might a “Living Justice Institute” come into being at Campo Sano, formally and functionally, to help take generations of LatCrit and allied networks to the next level of anti-subordination theory, community, and praxis?

The current self-assessment process of the LatCrit Board no doubt will broach these and similar questions. But the implementation of our five-year Strategic Plan is not designed to address, much less resolve, these longer-term questions. Our current Strategic Plan and its implementation process simply sets the stage for a timely cross-generational engagement of big-picture issues covering the coming third decade of our shared, continuing work.

These are some, not all, of the key front-burner issues that the next generation therefore will determine concretely, by word and deed, in personal and programmatic terms, during a third decade of LatCrit theory, community, and praxis. Looking at the landscape of options created by the work of the past and present, the next generation's task will be to think and act imaginatively and courageously to carve out new frontiers in future critical justice agendas. Inevitably, their individual and collective choices will help determine the substantive priorities and contours of the next decade of critical outsider studies and actions more generally.

This interest and investment in inter-generational timeframes is not new to LatCrit theory, community, and praxis. From inception of this critical outsider experiment, our concerns for community-building and institution-building, discussed below, have inclined us decidedly in this forward-looking direction. As outlined below, our commitments to long-term planning and continuity explicitly for developmental purposes has ensured continuing attention to new and junior faculty—to the prospects and progress of rising and coming generations. Indeed, as reflected in our self-study and strategic planning process, LatCritters have been engaged in generational and other sorts of transitions on an ongoing basis during the past decade, in any event. The crucial difference now—the point of special emphasis now—is a greater need for critical proactivity as 1) the passage of time takes us toward a third decade; 2) the fires of backlash, austerity, and crisis increasingly engulf the profession and threaten our anti-subordination advances or social justice objectives; and 3) we continue proceeding, flexibly yet as planned, with our ongoing transition efforts, designed to deliver the gains of the past two decades—and the challenges of the third one—from original to next generations.

As these introductory notes suggest, LatCrit's origins and priorities have emphasized theory-action connections consistently and in various ways. Indeed, praxis has been integral to LatCrits' understanding of theory and its functions from inception of this experiment in critical outsider

jurisprudence.<sup>12</sup> The organization of our Portfolio of Projects, our conceptualization of “personal collective praxis” and academic activism, and our insistence on constructing self-critical counter-traditions to the status quo that we have inherited in life and law all reflect our best efforts to help construct the conditions to advance social justice knowledge, action, and progress both amongst ourselves, throughout our workplaces, and across society at large.<sup>13</sup> Today, as a result of our self-study and strategic planning efforts, these programmatic projects continue in the form of the Critical Justice Coursebook Project and of Campo Sano, as well as in the form of our continuing work on the various projects in our community’s Portfolio.<sup>14</sup> Here, with and through this text, we continue and support these ongoing, expanding, and synergistic efforts to produce theory, democratize the academy, and foster society among outsider and critical scholars and activists. To help mark the strong success of our first biennial conference, this afterword underscores and affirms the forward-leaning posture of LatCrit perspectivity.

Here, at 18, this afterword emphasizes and explores theory-action connections as a bedrock LatCrit concern, underscoring how and why anti-subordination theory must always be kept in motion as we center intergenerational transitions among us. Responding to the conference theme’s call, this afterword pauses to reflect critically on the state of our academic praxis not simply to recap, but also to help reboot our collective *and* individual efforts as may be necessary or beneficial to the advancement of social justice in local and global contexts. In doing so, this contribution to the 2013 conference symposium hopes to embrace our origins and record, and also to support our continuing efforts to implement nimbly the LatCrit self-study and Strategic Plan, developed during 2008–2011 and

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<sup>12</sup> See Bender & Valdes, *supra* note 6, at 401–03.

<sup>13</sup> See Montoya & Valdes, *supra* note 2, at 231–46.

<sup>14</sup> See Bender & Valdes, *supra* note 6, at 428–44.

designed to guide our choices through 2015 based on outstanding, shared commitments, both substantive and methodological. I hope, in short, to help sustain the academic micro-society that LatCrit/OutCrit scholars have labored jointly to birth and grow during the past two decades or so as a counter-tradition to the imperial status quo. And I aim to do so in ways that increasingly recognize the importance of impending generational transitions to the ongoing development of LatCrit/OutCrit studies and initiatives in socially relevant, substantively principled, and programmatically enduring terms.

Below, I begin with a brief review of LatCrit's origins and development since 1995, emphasizing briefly key points necessary to understanding later discussion of praxis in "internal" as well as "external" dimensions of our work. Next, I will sketch my sense of LatCrit as theory *and* action, again emphasizing the internal/external and multi-generational dimensions of our work as academic praxis based on the scholarship and programs that critical outsider scholars, including the LatCrit community, have produced over the past two decades or so. To conclude, I will discuss the articulation of these principles and practices in increasingly globalized activities wherein identity, class, and in/justice are critically intertwined. With this focus and framing, I hope not only to confirm our commitment to LatCritical praxis, both internally and externally, in local and in global justice struggles, but also to help ourselves and our communities make our work more socially efficacious in all places and at all times as this scholarly community contemplates a third decade of shared values, goals, and labors. With this focus and framing, I hope not only to aid our ongoing implementation of our five-year Strategic Plan, but also to help begin looking beyond 2015 and toward the increasingly challenging landscape ahead of us—the future facing coming generations of critical outsider scholars and scholarship as we approach a third decade of LatCriticality.

## I. LATCRIT AT 18: A SUBSTANTIVE SYNOPSIS

### A. *Latinidades: Critical Outsider Jurisprudence and LatCrit Positionality*

Although many factors and forces contribute to our origins and trajectories, this particular enterprise—LatCrit theory, community, and praxis—began most proximately from the work and networks established during the late 1980s and early 1990s by critical race theory (CRT)<sup>15</sup> and legal feminisms<sup>16</sup> based principally in the legal academy of the United States. In particular, our substantive work springs most directly from our jurisprudential “cousin”—critically raced insights and techniques.<sup>17</sup> Programmatically, however, we have also borrowed most heavily from, and built upon, the methodological gains of feminist legal studies, including feminism’s attention to process and the internal dynamics of knowledge-production.<sup>18</sup> From inception, LatCrit programs opted for a structurally “democratic” approach to legal knowledge production, which progressively centered the internal dimensions of the social more so than with earlier critical and outsider experiments.<sup>19</sup> This and similar LatCritical choices were designed to check any tendency on our part toward elitism—or the creation of a “star system”—within our jurisprudential projects and academic community. But, to better understand the reasons behind the

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<sup>15</sup> See generally CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al. eds., 1995); CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY (Francisco Valdes et al. eds., 2002) (providing a selection of critical race readings).

<sup>16</sup> See generally, e.g., ANN SCALES, LEGAL FEMINISM: ACTIVISM, LAWYERING, AND LEGAL THEORY (2006) (setting forth a expansive mapping of feminist academic work).

<sup>17</sup> See Francisco Valdes, *Foreword: Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1 (1996).

<sup>18</sup> See Montoya & Valdes, *supra* note 2, at 231–45.

<sup>19</sup> At that time, the relatively mainstream venues of the Law & Society Association and the Society of American Law Teachers provided the most “democratic” programmatic opportunities for outsider and/or critical legal scholars. See Montoya & Valdes, *supra* note 2, at 219–22.

substance of, and the practices within, the LatCrit experiment of the past two or so decades, it helps to recall the experience with North American legal realism. This historical backdrop serves as a useful starting point for charting our intellectual and historical lineage because, in some basic and key ways, LatCrit scholarship may be viewed as the latest iteration of the basic perspective on law and policy dating back to the socially-inflected Realist reactions during the first half of the 20th century against the then-reigning doctrinal abstractions of legal formalism.<sup>20</sup> Yet the LatCrit record is defined by its own unique origins, choices, innovations, and experiments.

By 1995, an “outsider” sense of critical legal ferment in the US had prompted a number of CRT-identified, feminist-minded scholars to meet in Puerto Rico for a colloquium on Latina/o communities and critical race theory.<sup>21</sup> This colloquium focused on nation, culture, language, and similar categories of socio-legal action as they related specifically to race, ethnicity, gender, poverty, and Latina/o communities in the United States and beyond.<sup>22</sup> As a result, a smaller group of relatively junior scholars decided to organize a conference focused on Latinas/os and the law, from which the “LatCrit” subject position developed in the mid-1990s.<sup>23</sup> This new effort, allied closely with, yet distinctive in some respects from CRT and other experiments both in substance and in method, expanded even further the scope of critical outsider studies on race, ethnicity, and related categories of identity in law and society.

<sup>20</sup> See generally Berta Hernández-Truyol et al., *Afterword: Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 17 LA RAZA L.J. 169, 241–52 (2006).

<sup>21</sup> The program schedule for the colloquium is posted on the LatCrit website at [www.latcrit.org/content/publications/latcrit-symposium/hnba-colloquium-i-1996/](http://www.latcrit.org/content/publications/latcrit-symposium/hnba-colloquium-i-1996/).

<sup>22</sup> The papers of some presenters were published by the Berkeley La Raza Law Journal. Colloquium, *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. 1 (1996).

<sup>23</sup> See Francisco Valdes, *Foreword: Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1, 2–3 (1997).

At the same time, legal and political forces committed to rolling back equality and other civil rights gains accrued since the mid-1900s were organizing for cultural warfare in law and society like never before. Within the legal academy and profession, they formed the so-called “Federalist” Society and related networks of campus groups, events, and publications to peddle a return to pre-new deal constitutional doctrines designed to re-establish original, neocolonial deals struck by a few white men amongst themselves in the late 1700s and early 1800s.<sup>24</sup> As recent events have vividly confirmed, these forces and efforts are well-orchestrated and lavishly funded by Dark Money from Big Business and related corporate interest groups.<sup>25</sup> In the 1990s, as now, the forces of reaction and retrenchment were furiously on the offensive, waging cultural war on difference itself.

Notably, at that time no national, annual, easily accessible, programmatic venue existed in the US for the articulation of critical *or* outsider jurisprudence. While various individuals and institutions conducted periodic, smaller-scale gatherings locally, regionally, or nationally around the country focusing on one or another genre of outsider scholarship, like the CRT workshops, critical outsider scholars had no “big tent” under which to reliably convene nationally on a regular basis and support and sustain each other—and our collective work on the advancement of anti

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<sup>24</sup> See generally Francisco Valdes, *Culture, “Kulturkampf,” and Beyond: The Antidiscrimination Principle Under the Jurisprudence of Backlash*, in THE BLACKWELL COMPANION TO LAW AND SOCIETY 271 (Austin Sarat ed., 2003); see also *infra* notes 53, 67.

<sup>25</sup> See generally JOHN NICHOLS & ROBERT W. MCCHESENEY, *DOLLAROCRACY: HOW THE MONEY AND MEDIA ELECTION COMPLEX IS DESTROYING AMERICA* (2013); see also Chrystia Freeland, Op-Ed., *Plutocrats v. Populists*, N.Y. TIMES, Nov. 1, 2013, at 1, available at <http://www.nytimes.com/2013/11/03/opinion/sunday/plutocrats-vs-populists.html?pagewanted=all>; Matthew Rothschild, *Taking on the Money Power*, THE PROGRESSIVE, May 2013, at 77.



subordination theory and praxis.<sup>26</sup> We specifically had no big-tent venue that was explicitly and actually devoted both to “outsider” *and* to “critical” legal studies in its normative premises, principles, and practices.<sup>27</sup> Equally significant, we had no such venue for the proactive and ongoing cultivation of coalitional theory and praxis.

As an initial response, we organized and held the Annual LatCrit Conferences (ALC), which we then continued to do annually for 16 years, from 1996 to 2012, open to all interested parties.<sup>28</sup> Since 2013, the ALC became a biennial event alternating with the teaching-focused conferences of the Society of American Law Teachers (SALT)—a community-building act taken chiefly in response to the results of the LatCrit self-study and strategic planning process.<sup>29</sup> Thus, while the pioneering work of our

<sup>26</sup> In the 1980s, scholars of color tended to gather around other, more mainstream, national venues created by groups like the Society of American Law Teachers, the Minority Section of the American Association of Law Schools, the Law & Society Association, and various gatherings of the Critical Legal Studies Network. Venues of color had begun to spring up alongside these, eventually leading to the Critical Race Theory Workshop series from 1989 to 1996 and, following them, the Annual LatCrit Conferences from 1996 to the present. *See generally* LEGAL FEMINISM, *supra* note 19 and accompanying text.

<sup>27</sup> By the 1990s, the regional people of color conferences provided the main infrastructure for outsider legal scholarship focused on race, but without any particular critical commitments, priorities, or themes. Nationally, the Critical Race Theory provided a venue for both outsider and critical legal scholarship on race, but was accessible by invitation-only. Because these Workshops tended to be small (twenty-some participants annually), relatively few participants could be invited each year. For more details, *see* Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329 (2006); Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247 (1999). As a result, a great need existed for a national, annual, accessible venue devoted both to critical *and* outsider legal scholarship, upon which scholars could regularly rely, from year to year, to disseminate their ideas and build their skills, networks and careers. The original 16-year series of the Annual LatCrit Conference was designed to fill this basic need. *See generally* Montoya & Valdes, *supra* note 2, at 201–18.

<sup>28</sup> *See infra* Chart A.

<sup>29</sup> *See Calls for Papers / Conferences*, SOC’Y OF AM. LAW TEACHERS (SALT), <http://www.saltlaw.org/calls-for-papers-conferences/> (last visited Mar. 8, 2014).

predecessors had blazed many substantive and methodological trails, our work has aimed to address gaps and challenges that remained part of the jurisprudential landscape we inherited in the early-to-mid 1990s.<sup>30</sup>

As a coalitional and critical enterprise we aimed to form “critical coalitions” to promote anti-subordination knowledge production and social action. Substantively, this expansive anti-subordination scope effectively poised us to challenge all forms and expressions of “Euroheteropatriarchy” in law, policy, academy, and society—that is, the historically specific combination of European colonialism, white supremacy, patriarchy, and related ideologies that combined to form today’s United States. Methodologically, the coalitional normativity of the LatCrit subject position has led us to conceive and craft our work as a critical outsider democracy, an open society of overlapping networks collaborating on programmatic projects and other forms of academic praxis. In substance and method, the LatCrit experiment in critical outsider jurisprudence has aimed to help foster a justice-based micro-society within academic cultures as well as to help promote activist academic praxis in support of anti-subordination social change more broadly, and without obedient reference to extant borders established through geography, identity, culture, or discipline.

However, perhaps the single most significant contribution of LatCrit scholarship since the mid-1990s has been the centering and elaboration of “Latina/o” identity in US law and society in explicitly non or de-essentialized terms.<sup>31</sup> These counter-categorical frameworks, analyses, and projects have encompassed both intra-group and inter-group issues spanning local, regional, and national boundaries. Again, this inclusive,

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<sup>30</sup> See generally Francisco Valdes, *Rebellious Knowledge Production, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008*, 8 SEATTLE J. SOC. JUST. 131 (2009) (providing an overview of this history).

<sup>31</sup> See generally Montoya & Valdes, *supra* note 2, at 194–98; see also Francisco Valdes, *Race, Ethnicity and Hispanismo in a Triangular Perspective: The “Essential Latina/o” and LatCrit Theory*, 48 UCLA L. REV. 305 (2000) (critically exploring Latina/o identities and politics in light of history, culture and modernity).

expansive, comparativist approach aims to cultivate cross-group frameworks of analysis and action designed not only to produce activist knowledge but also coalitional values, methods and theories, both within and beyond the academy and its institutional or social contexts.

These approaches in turn have led to counter-disciplinary and internationalist emphases in LatCrit projects and discourses to transcend “domestic” constructions of race, ethnicity, and other categories of identity relevant to law and policy.<sup>32</sup> In addition, LatCrit theorists have insisted that class and other categories of identity must be understood as interrelated and interlocking rather than as different or disconnected elements of socio-legal regulation.<sup>33</sup> These collective investigations have demonstrated the rich diversity of Latina/o communities in the United States, showcasing complexities not only in terms of race and ethnicity, but also in terms of religion, culture, language, sexuality, imperialism, and colonialism that, as discussed below, add up to Euroheteropatriarchy.

This particular LatCrit blending of substance and method consistently has emphasized multidimensional analyses, collaborative action, long-term planning, and a continual fusion of theory and action. This blending of substance and method has emphasized community building, institution building, and programmatic autonomy. Over time, as mentioned above, the intellectual commitments and programmatic initiatives of the LatCrit community have given rise to a form of critical outsider democracy as a viable alternative, or, “counter-tradition” to the imperial tradition of legal

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<sup>32</sup> See, e.g., Francisco Valdes, *Insisting on Critical Theory in Legal Education: Making Do While Making Waves*, 12 LA RAZA L.J. 137 (2001) (exploring cross-bordered LatCrit efforts and programs).

<sup>33</sup> See Symposium, *Class in LatCrit: Theory and Praxis in a World of Economic Inequality*, 78 DENV. U. L. REV. 467 (2001); Symposium, *Critical Approaches to Economic Injustice: LatCrit at Ten Years*, 26 CHICANO-LATINO L. REV. 1 (2006); 17 LA RAZA L.J. 1 (2006); Symposium, *The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up*, 14 HARV. LATINO L. REV. 243 (2011), 1 U. MIAMI RACE & SOC. JUST. L. REV. 1 (2011), 22 LA RAZA L.J. 3 (2012) (all exploring the intersections of class and other categories of identity).

knowledge production, education, and scholarship.<sup>34</sup> Reflecting their critical commonalities and anti-subordination affinities, diversified OutCrit efforts increasingly have tended to overlap and merge, both substantively and methodologically, especially during the past decade.

But the cultivation of outsider society and democracy are not ends unto themselves. Rather, they serve as essential incubators of knowledge, experience, and theory. The micro-society of critical outsider networks that has taken hold within the legal academy of the United States since the mid-1990s now sustains not only an expansive, coalitional anti-subordination discourse, but also a rich programmatic infrastructure to carry it continually forward as socio-legal issues morph over time, place, or circumstance.

Given our commitment to build on pioneering foundations established prior to the 1990s, this growing and expanding body of LatCrit scholarship and activity increasingly and organically has overlapped with preceding and ongoing lines of inquiry launched under the rubric of similarly situated jurisprudential experiments, including CRT and legal feminisms—and vice versa. Over time, these substantive and methodological overlaps have extended to other new or continuing experiments in critical outsider studies, including work by scholars focused on clinical education, native studies, Queer or Asian theory, and ClassCrit scholarship, among others.<sup>35</sup> This mutual and multifaceted cross-pollination of expanding critical outsider studies and jurisprudence has led, over this time, to a fluid synthesis of projects and objectives that might be described, together, as “OutCrit” or “OutCritical” legal studies—a denomination that recognizes the base commonality of outsider *and* critical perspectivity shared by these otherwise diverse jurisprudential formations. Today, LatCrit and allied OutCrit scholars mix and match key ideas, elements, and techniques developed within and across these mutually-reinforcing genres of socially conscious

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<sup>34</sup> See Montoya & Valdes, *supra* note 2, at 189–201.

<sup>35</sup> *Id.* at 228–31.

legal scholarship to produce cutting-edge work focused on the establishment of an egalitarian, post-subordination social order.<sup>36</sup>

Today, CRT/LatCrit/OutCrit scholars continue this individual and programmatic work with a focus on current or emerging issues. In recent years, for example, outsider scholars have examined the interplay of poverty and globalization and how these phenomena correlate to race, ethnicity, gender, and other socio-legal identity categories transnationally.<sup>37</sup> Similarly, these critical networks of scholars have engaged in arguments about “color blindness”<sup>38</sup> and “post-racialism,”<sup>39</sup> or similar racial justice issues that emerged in the late 1990s and early 2000s. The exploration of these frontiers, in tandem with the ongoing work of the past several decades, constitutes a key part of the critical outsider research agenda today. Though never perfect, this LatCrit focus on interactive knowledge-production, community building, and institution-building not only has enabled LatCrit scholars to form a fluid micro-society capable of mounting and sustaining dozens of projects, programs, and publications for the past near-20 years, but also has set the stage for inter-generational institutional transitions to help sustain this never-ending work into a third decade of critical outsider democracy.

<sup>36</sup> See generally Francisco Valdes, *Outsider Scholars, Legal Theory and OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831 (2000).

<sup>37</sup> See Carmen G. Gonzalez, *Deconstructing the Mythology of Free Trade: Critical Reflections on Comparative Advantage*, 17 LA RAZA L.J. 65 (2006); Tayyab Mahmud, *Colonialism and Modern Constructions of Race: A Preliminary Inquiry*, 53 U. MIAMI L. REV. 1219 (1999).

<sup>38</sup> See Neil Gotanda, *A Critique of “Our Constitution is Color-Blind”*, 44 STAN. L. REV. 1 (1991); Charles R. Lawrence III, *Two Views of the River: A Critique of the Liberal Defense of Affirmative Action*, 101 COLUM. L. REV. 928 (2001).

<sup>39</sup> See Derrick Bell, *After We’re Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393 (1990); Sumi Cho, *Post-Racialism*, 94 IOWA L. REV. 1589 (2009).

*B. Critical Generations: Theory as/and Action, LatCrit as/and Academic Praxis*

As the background and history sketched above underscore, LatCrit theory from inception has sought to learn from prior jurisprudential experiments, especially CRT and legal feminisms.<sup>40</sup> In doing so, we have emphasized the importance of inter-generational collaboration and collectivity, and have sought to forge practices that would enable and sustain enduring anti-subordination solidarity in a world of difference.<sup>41</sup> But this attention to cross-generational knowledge production and academic praxis is not a one-way project focused on roots. Simultaneously, our commitment to long-term planning, continuity, and flexibility poises us to look forward inter-generationally as well. This two-way attention to the past and the future helps us ensure that we understand our work in the present as a bridge between the two—a sturdy vehicle to carry forward past gains and help empower future ones.

To a significant extent then, LatCritters seem to have opted for the potential of groups and generations over the primacy and limitations of the self—or, put another way, to prioritize collective agency as well as individual goals in the ongoing, long-term, programmatic pursuit of anti-subordination aims.<sup>42</sup> Consequently, among other goals and functions of this academic work, our collective performance of theory must accomplish the vindication of these individual and contingent extensions of trust, from text to text, program to program, moment to moment. As a group or generation, we must work together constantly to vindicate our individual

<sup>40</sup> See *supra* notes 15–23 and accompanying text.

<sup>41</sup> See *supra* notes 26–35 and accompanying text.

<sup>42</sup> See generally DERRICK BELL, *ETHICAL AMBITION: LIVING A LIFE OF MEANING AND WORTH* (2003); see also Francisco Valdes, *Life as Praxis, Praxis as Life: A Review Essay of Derrick Bell's Ethical Ambition: Living a Life of Meaning and Worth*, 7 *LEGAL ETHICS* 117 (2004), Francisco Valdes, *Critical Race Action: Queer Lessons and Seven Legacies from the One and Only Professor Bell*, 36 *W. NEW ENG. L. REV.* (forthcoming 2014).

extensions of mutual trust. It is this ongoing process of mutual trust and cross-vindication that, in time, provides the basis of solidarity and community across multiple axes of difference, and especially in times of strain. This ongoing, cross-generational effort at ethical vindication of anti-subordination trust is fundamental, and, therefore, manifests in the myriad of undertakings of LatCrit networks since the mid-1990s.

For nearly two full decades, generations of LatCrit scholars have employed historical, social, and personal experience as substantive sources of critical analysis and insight to help guide our choices in the construction of theory in and through academic praxis.<sup>43</sup> We have applied those insights to everyday circumstances, ranging from the workplace to the family, as well as to societal realities more broadly. The intertwining of knowledge, practice, and community in personal *and* programmatic ways has become a continuing hallmark of LatCriticality.

The result is an intentional community of sorts, composed of varied groups or generations based on mutual acceptance of differences and a common embrace of lived justice. The result, in other words, is no less than the willful formation of a new organic intellectual micro-society. As a diverse and fluid academic formation, LatCrit theorists have imagined and implemented methods and techniques to construct a principled basis for individuals to practice our mutual and common commitments to collective action. Over time these practices provide a record from which we can measure both individual and community actions—their ethics as well as their efficacy.

For instance, from inception we have agreed to “rotate centers” and to generate “streams of programming” that respond to different individuals’ and groups’ primary anti-subordination concerns over time.<sup>44</sup> Within these

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<sup>43</sup> See *supra* notes 1–6.

<sup>44</sup> See Francisco Valdes, *Theorizing ‘OutCrit’ Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265. 1303–04 (1999).

rotations and streams, we have centered “the bottom” of the categories or contexts under interrogation<sup>45</sup> and have framed our inquiries in transnational and cross-disciplinary terms to bring intra-group and intergroup diversities to the fore of our collective attention.<sup>46</sup> We have committed individually to personal continuity in our community projects to help ensure a “critical mass” of veterans at events, and an overall balance among the participants and the planners of events or programs along multiple identity axes, including generational layering, to help nurture the depth and viability of these initiatives for the long term.<sup>47</sup> We have flexibly mixed and matched techniques and ideas to help ensure and sharpen the efficacy and integrity of our work. These efforts still fragile surely and obviously are no panacea for all the pressing ills that envelop us. But building on the insights and lessons pioneered by critical scholars of previous generations, LatCrit theorists have decided in favor of what we might describe as “collective personal praxis” anchored in anti-subordination principles, which in turn form the crucible for academic activism and enduring solidarity toward a post-subordination society.<sup>48</sup>

The context for all of this work—for all of the experimental social construction described summarily above—has been chiefly the “Portfolio of Projects” that LatCritters have slowly created, project by project, beginning with the ALC in the mid-1990s. Followed that same year by our first internationalist/comparativist project, the International and Comparative Law Colloquium (ICC), the LatCrit Portfolio of Projects now encompasses three “baskets” of initiatives focused on 1) US legal studies and education; 2) global studies and praxis; and 3) publications and varied kinds of information resources, including our community website and the Critical

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<sup>45</sup> See generally Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177 (1999).

<sup>46</sup> See *infra* notes 97–108 and accompanying text.

<sup>47</sup> See Montoya & Valdes, *supra* note 2, at 235–43.

<sup>48</sup> See *supra* note 37; see also Hernández-Truyol et al., *supra* note 20, at 269–72.



Justice Coursebook Project.<sup>49</sup> Collectively these initiatives have fostered a micro-society akin to a microcosm of society; the “zone of safety” that the Portfolio of Projects provides for outsider scholars and scholarship amounts also to the creation of a social space wherein we must practice the theory,<sup>50</sup> an internal social dimension in and from which to perform our work and reform our theorizing and praxis. In addition, the LatCrit Portfolio of Projects creates a real-life social laboratory in which multiple generations of critical outsider scholars apply and develop theory—it provides a self-sustaining and self-directed programmatic infrastructure for critical outsider democracy and activist academic praxis.

This continual recycling and refining of theory and action culminated most recently in the self-study and strategic planning process undertaken between 2008–2011, which produced a five-year plan of action that takes our work through 2015, our 20th anniversary. This self-critical approach to academic activism and anti-subordination praxis allow us both to apply the theory to our work and relations, as well as to rework the theory based on unfolding experience. This critical and self-critical approach to social justice action, both internal and external, allows us to better see the gaps left or created by our ongoing work. As with our preceding and continuing work through the existing Portfolio of Projects, the new directions set for us by our strategic planning process aim to ensure that our programmatic initiatives will remain socially relevant and ethically grounded for future generations of scholarly inquiry and action, even or especially as neocolonial politics intensify throughout academy and society.

Although imperfect in many ways, the collective, collaborative programmatic work of the LatCrit community and related networks of critical activist scholars enables the incremental process of cycling and recycling of theory-and-action in order to ground and re-ground theory in

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<sup>49</sup> See *supra* notes 4–5 and accompanying text.

<sup>50</sup> See Montoya & Valdes, *supra* note 2, at 225.

social realities, both internally and externally. The LatCrit Portfolio of Projects is where theory, community, and praxis converge synergistically in socially grounded terms. This zone of safety, this Portfolio of Projects, this far-flung and richly diverse micro social order, is a serious and substantial achievement, especially during times of backlash and retrenchment. But this major multi-generational accomplishment remains nonetheless a fragile experiment: an archipelago of solidarity being battered, without stop, by the politics of academic imperialism and social repression. People of color, women, and critical scholars have built the foundations of a critical and outsider counter-tradition and legal academia like never before, and yet the imperial, neocolonial pushback is intransigent, uncompromising, and bent on the kill. This very successful, first-ever biennial conference marks a collective transition from our original roots into an increasingly uncertain future.

The questions that therefore grow in urgency for critical and outsider scholars include the following: how do we balance personal and collective ethics in personal and collective praxis over the longer term, even multi-generationally? How do we resolve varied discontinuities between the practices of the individual and the principles of the group in question? How do we decide in principled terms when to defer to the group and when to diverge from it ... and ultimately, how to perform disengagement ethically? How do we facilitate inter-generational transitions responsibly to help ensure we make this hard and tricky work endure for the long term? How do we transfer communal knowledge of lessons learned? How do we bequeath enthusiasm for anti-subordination priorities in multidimensional terms from generation to generation? How do we keep postmodern identities alive as tools of anti-subordination knowledge and action? LatCrit theory does not pretend a definitive answer to these queries; thus far, as outlined above, our practices have pointed in the direction of vigilant self-criticality, on both personal *and* collective terms, and in multi-

generational terms, as a bromide for the inevitable shortcomings of individuals, groups, and generations.

It thus is not too early to begin looking beyond the scope of our current 2011 Strategic Plan and toward the new horizon beyond it that inevitably awaits us. This sense of timeliness, if not urgency, is underscored by the escalation of the structural changes regarding academic freedom and educational funding within and beyond the legal academy and profession, which threaten social justice work within legal culture. These ongoing changes, and the trends that they portend well into the future, may require critical and outsider formations to revisit the institutional configuration of our programmatic work and to reinvent the model for successful academic activism and praxis beyond 2015. Now may not yet be the time to answer these questions; now is the time to begin engaging them.<sup>51</sup>

This sense of timeliness is reinforced by the rising generations of critical outsider scholars who have entered the ranks of the profession during these past two decades, and who inevitably will determine the future of LatCrit theory, community and praxis, as well as OutCrit studies more generally. Even as we welcome them into an OutCrit academic society stronger than ever, these rising generations also face a profession and nation increasingly engulfed by a sense of structural change and abiding crisis. Even as earlier generations continue to support the rise of coming ones, all must cooperate to shore up the tentative OutCrit gains of the past two decades.

The forward-looking task of generational transition is unavoidable—if we remain serious about the LatCrit commitment to long-term continuity and flexibility. Indeed, given our abiding emphasis on long-term planning, the future of our programmatic work is collectively ours for the making. In short, both the challenges and the opportunities awaiting the next generations of LatCrit and OutCrit scholars are extraordinary. Their

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<sup>51</sup> Fortunately, the LatCrit Board has just embarked on a year-long self-review process for this forward-looking purpose. *See supra* note 11.

extraordinary diversities and capabilities will determine what comes next regarding the LatCrit Portfolio of Projects and other long-term community projects specifically, and will thusly help mightily to influence the course of events in critical outsider jurisprudence more broadly.

Without doubt, as we mark 18 years of LatCrit theory, community, and praxis, we have much to celebrate. Not only have we established a thick record of programs and publications, but our Portfolio of Projects remains robust and nimble. Not only have we managed and secured a “safe space” for critical outsiders jurisprudence, but we have established an open, democratic micro-society that sustains despite all odds a “zone of safety” for the year-round continuation of this programmatic work. Not only have we carried forward the gains and the insights of our jurisprudential predecessors, but we have developed and cohered them into a form of academic democracy presenting itself as a viable counter-tradition to the imperial culture of the legal establishment in the United States, even as backlash generally prevails. Not only have we sustained this collective, collaborative, and coalitional work for nearly two decades, but we stand prepared to engage in generational transitions during the next several years that will allow new cohorts of critical outsider scholars to continue and to reshape this cumulative work. Yet none of this assures the future security of critical approaches to justice within and beyond the United States.

Consequently, basic queries regarding the long-term efficacy of coalitional action remain urgent, precisely because history, context, and experience make plain that scholars helping to craft critical outsider studies and our allies must continue to confront increasingly complex and difficult issues of identification, majoritarianism, and responsibility in the historical advancement of anti-subordination goals through innovative legal scholarship and academic praxis.<sup>52</sup> For one thing, the continuing backlash

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<sup>52</sup> See generally Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality, and Responsibility in Social Justice Scholarship*

furies of the culture wars indicate a future no less in contest than the present. And the growing structure of insecurity taking hold across the legal academy threatens the broader institutional underpinnings of our programs and projects. In some important ways, both academy and society seem poised to become more unequal, more indifferent to injustice, and more unfriendly to principled critique and progressive reform.

If nothing else, then basic issues of method and action thereby stem in part from the need for solidarity and the fact of diversity within and among traditionally subordinated out-groups. As experience illustrates, the development of enduring frameworks to embrace diversity and induce solidarity within and across out-groups is a difficult and delicate task.<sup>53</sup> Anti-subordination progress therefore always will be slow and uncertain, perhaps sometimes impossible. But as critical legal scholars devoted to the trans-generational achievement of social justice for multiple disempowered out-groups, we cannot evade the *legal* roles we can play as *legal* scholars in a legalistic society.<sup>54</sup>

Finally, the emphasis here on the relationship between critical legal scholarship and social justice transformation should not elide the equal importance of social action to anti-subordination theory; ultimately, theory and action must continually inform and reform each other. Yet, as legal scholars, we possess a unique structural capacity for theorizing social reality and the law's relationship to it. As critical legal scholars devoted normatively to social justice, we have the responsibility to exercise that capacity to develop and postulate frameworks of effective anti-

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*or Legal Scholars as Cultural Warriors*, 75 DENV. U. L. REV. 1409 (1998) (arguing for legal scholars to be proactive in the pursuit of social justice through legal knowledge production).

<sup>53</sup> See generally Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821, 828–29 (1997).

<sup>54</sup> By “legalistic” I mean simply a society that is highly devoted to “the rule of law” and that highly touts “equal justice under law.” Without doubt, in this sense, this society is highly legalistic. See generally MARY ANN GLENDON, *A NATION UNDER LAWYERS* (1st ed. 1994).

subordination activism. But postulation is only the beginning; we also have a responsibility to practice and promote the lessons and insights of our scholarship, as well as to incorporate into our scholarship the lessons and insights of social action. The responsibility of all critical social justice scholars includes personal as well as collective praxis in all spheres and relations of life.<sup>55</sup> Since before the emergence of LatCrit studies, critical outsider scholarship demonstrated a series of characteristics that helped to illustrate how critical outsider academic micro-societies have endeavored to meet our social responsibilities, both internally and externally.

## II. CRITICAL THEORY AND SOCIAL GROUNDING: PREMISES, PRIORITIES, AND PRACTICES

### *A. Social Responsibility in/and Critical Outsider Jurisprudence: A LatCritical Sketch*

Even before the formal organization of the experiment now known as LatCrit, when critical outsider pioneers were constructing the earlier “safe spaces” necessary for the incubation of anti-subordination work, the development of critical outsider analyses focused on race, gender, and other axes of identity already had engaged both social and legal issues, as well as their complicated interplay. With the emergence of LatCrit theory, as well as other diverse formations like clinical scholarship, disability theory, indigenous work, Asian, Queer, ClassCrit studies, and the like, this intersection of the social and the legal became increasingly salient in critical outsider jurisprudence. Over time, as noted above, these critical and outsider lines of socially conscious inquiry began to overlap in synergistic and dynamic ways, leading to the creation of a broader field that might be

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<sup>55</sup> This basic point has been well-established among OutCrit and LatCrit scholars. See generally, e.g., Charles R. Lawrence III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CALIF. L. REV. 2231, 2248–51 (1992) and Laura M. Padilla, *LatCrit Praxis to Heal Fractured Communities*, 2 HARV. LATINO L. REV. 375 (1997).

conceived today as OutCritical or OutCrit: legal studies and praxis.<sup>56</sup> The combined record of this work during the past several decades shows how diversely situated formations of OutCrit/LatCrit legal scholarship have engaged the social through the legal in critical, proactive, and imaginative ways.

As the literature and record of LatCrit/OutCrit work indicates, this thickly variegated enterprise aims to engage the “socio” in law and policy from a variety of different angles, and through an array of means and methods in order to help anchor theory in social realities and promote relevant social justice action. These efforts, as elaborated only briefly above, also aim consciously and programmatically to cultivate a sense of scholarly community in human, holistic terms as part of the knowledge-production process; this internal focus on the social ecology of legal knowledge production has sought to enlist affirmatively our humanity in the production of anti-subordination legal knowledge and action. And to practice or apply the self-critical theory in the context of outsider academic society and knowledge production pushes us all to live in the future that we envision: as Professor Gerald Lopez incisively observed in the early 1990s, our daily work—our academic praxis—”no less than other activist vocations...must itself reflect and occasionally even usher in the world we hope to create.”<sup>57</sup> Ultimately then, the internal and external dimensions of “the social” are interconnected, both in theory and in practice.

Although the thick and rich record of the past two or so decades can be organized in different ways for different purposes, ten key hallmarks emerge when the aim is to explore the intersection of the social and the legal in the body of work produced by critical scholars of color in the US both before and since the inception of LatCrit theory, praxis, and

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<sup>56</sup> See *supra* notes 36–37 and accompanying text.

<sup>57</sup> See, e.g., GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* 382 (1992).

community. The first of these signifies the normative baseline or premises of this work, while the second refers to the societal objectives that this work prioritizes and pursues. The remaining eight reflect approaches or methods, the kinds of practices through which the “socio” is explored and embraced in LatCrit/OutCrit legal scholarship, both externally and internally. The summaries below are designed to provide an overview of these key highlights based on our still-accumulating experience with critical outsider democracy as the legal knowledge-production method.

### 1. Antisubordination Normativity

The normative baseline of LatCrit/OutCrit scholarship provides the first key social hallmark of this ongoing work. Although described in a variety of ways, this normative bottom line frequently is referred to in terms of “anti-subordination” values, principles, and commitments. Standing in contrast to the antidiscrimination principle of the 1960s that produced the formal equality status quo,<sup>58</sup> the anti-subordination perspective focuses specifically on social results and material realities; moving beyond the limits of formally equal “opportunity” without regards to actual social change, the anti-subordination principle measures the efficacy of equality policy specifically by reference to actual social progress.

This conception of the anti-subordination principle dates back to the 1970s, as legal scholars searched for socially functional legal doctrines under the Equal Protection Clause of the Fourteenth Amendment to the US Constitution.<sup>59</sup> Since then, LatCrit and other outsider scholars have developed the anti-subordination principle as part of the ongoing effort to

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<sup>58</sup> See generally Paul Brest, *Foreword: In Defense of the Antidiscrimination Principle*, 90 HARV. L. REV. 1 (1976).

<sup>59</sup> See, e.g., Owen Fiss, *Groups and the Equal Protection Clause*, 5 PHIL. & PUB. AFF. 107 (1976); see generally Symposium, *Fiss’s Way: The Scholarship of Owen Fiss*, 58 U. MIAMI L. REV. 1 (2003).



tether legal developments to social outcomes.<sup>60</sup> This work has insisted that the promises issued under liberal conceptions of legal equality produce socially discernible outcomes that reflect changes in the law; in other words, LatCrit/OutCrit work in the development of anti-subordination values have striven to ensure that formal promises of “equal opportunity” be more than empty gestures. This prescriptive endorsement of the anti-subordination agenda in legal scholarship inclines LatCrit/OutCrit theorists toward a sense of academic purpose decidedly focused on the social and on law’s interplay with society and its (re)shaping.

## 2. Socio-economic and Societal Transformation

From the inception of our shared work, LatCrit/OutCrit legal scholars explicitly have centered societal “transformation” in favor of social justice across multiple axes of identity as the ultimate goal or aspiration of our scholarship and related academic work.<sup>61</sup> This orientation results from two factors that inform and frame this work. The first of these factors is the larger historical evolution traceable back to the Realist impulse towards social relevance.<sup>62</sup> The second is the current or immediate environment of backlash and retrenchment that has prevailed in the US during the past several decades.<sup>63</sup> Shaped by the combination of these influences, critical outsider scholarship aims not only to be socially relevant, but also to be transformative: the express aim has been to maximize social relevance *and* impact in all scholarly choices regarding substantive priorities, research designs, and knowledge-producing methods. Sometimes the focus is on short-term interventions, and other times on longer-term targets, but, like the anti-subordination sense of mission, this ultimate end or ambition

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<sup>60</sup> See, e.g., Jerome M. Culp et al., *Subject Unrest*, 55 STAN. L. REV. 2435 (2003).

<sup>61</sup> See, e.g., Charles R. Lawrence III, *Foreword: Race, Multiculturalism, and the Jurisprudence of Transformation*, 47 STAN. L. REV. 819 (1995).

<sup>62</sup> See *supra* notes 20–23 and accompanying text.

<sup>63</sup> See *supra* notes 24–25 and accompanying text.

commits LatCrit/OutCrit legal scholars to emphasize repeatedly the social aspirations and consequences of various scholarly programs or agendas.

### 3. Counter-Categorical Starting Points

A key means by which LatCrit/OutCrit legal scholars explore and interrogate intersections of the social and legal is by shifting the starting point of critical inquiry in ways that scramble and juxtapose mainstream or familiar categories of analysis to reveal fresh anti-subordination insights and discourses, and thus help catalyze and inform socially transformative interventions. Significant examples of this third hallmark include the reframing of race (specifically, whiteness) as “property”<sup>64</sup> or the reinterpretation of the unanimous *Brown* rulings of the 1950s as mostly “interest convergence” rather than national enlightenment or altruistic justice-seeking.<sup>65</sup> These counter-categorical starting points bring into sharp relief how legal doctrines and fictions cover up social realities that shape the lived everyday experiences of all racialized subjects. With this shift in perspective, outsider critical inquiry not only works to produce and disseminate suppressed knowledge, but also works to sharpen connections to the social and foster transformative change. This resort to counter-categorical starting points of analysis oftentimes helps to reveal gaps between law and society, or the violence of the legal on the social, bringing to light areas of law or policy in sore need of transformation. This methodology thereby is one example of intellectual resistance to the prevalent politics of backlash and retrenchment.<sup>66</sup>

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<sup>64</sup> See, e.g., Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709 (1993).

<sup>65</sup> See, e.g., Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

<sup>66</sup> See *supra* notes 24–25 and accompanying text; see also Francisco Valdes, *Culture by Law: Backlash as Jurisprudence*, 50 VILL. L. REV. 1135 (2005); Francisco Valdes, *Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education*, 10 ASIAN L.J. 65 (2003).

#### 4. From the Bottom Up

The fourth key hallmark of this work also aims to identify areas in need of legal reform, but additionally urges a particular positionality to inform the substantive design of the intervention. This urging to examine issues of law or policy “from the bottom up” of the relevant socio-legal hierarchies also has been an early, consistent, and continuing feature of CRT/LatCrit legal scholarship.<sup>67</sup> Applied powerfully to areas ranging from racial reparations<sup>68</sup> to sexual harassment,<sup>69</sup> this method or technique centers the social experience—and wisdom—of traditionally subordinated groups to guide the reformulation of legal doctrine or policy toward anti-subordination progress. This grounding of critical perspectivity effectively centers the ‘socio’ in all its grittiness within outsider scholarship; this particular focus aims to counteract the sanitizing abstractions of the imperial tradition. From-the-bottom-up legal analysis, like counter-categorical starting points, scrambles both the premises and lines of inquiry in LatCrit/OutCrit scholarship to help clear the stage for socially efficacious interventions.

#### 5. Doctrinal Realism

The fifth hallmark of this work, doctrinal realism, focuses squarely on the content of law, but with the aim and purpose of exposing legal fictions that “blind” social and legal actors, ranging from judges to police officers and administrators, to the intersecting social realities that enable structures and systems of subordination based on race, gender, sexuality, and other identitarian constructs. Thus, exposing legal fictions like “reasonableness”

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<sup>67</sup> 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).

<sup>68</sup> See, e.g., Robert Westley, *Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations?*, 40 B.C.L. REV. 429 (1998).

<sup>69</sup> See, e.g., CATHERINE A. MACKINNON, *FEMINISM UNMODIFIED: DISCOURSES ON LIFE AND LAW* (1988).

or “neutrality” has allowed critical and allied outsider scholars to map in specific ways how law and policy engineer social injustice, including through the legal construction of formal in/equality itself.<sup>70</sup> These doctrinal excavations thereby have help to clear the way for substantive or analytical reforms better designed to ameliorate everyday injustice and promote anti-subordination progress in socially relevant ways.<sup>71</sup> Akin to “bottom up” perspectivity, doctrinal realism is an effort to elevate social reality and utility in the articulation of doctrine and application of policy.

## 6. Multidimensional Counter-Disciplinarity

Doctrinal realism exposes how law promotes social injustice despite formal avowals to the contrary, but LatCrit and related genres of OutCrit legal scholarship have been made even sharper by an accompanying commitment to counter-disciplinarity in multidimensional terms.<sup>72</sup> The proliferation of “law-and” bodies of scholarship are of course well-populated by LatCrit/OutCrit legal scholars, who additionally have spearheaded multiple conferences and projects expressly aimed at promoting cross-disciplinary engagements across multiple dimensions of law, identity, and society. This ongoing commitment to multidimensional counter-disciplinarity is a key part in the constitution of diverse ‘safe zones’ that have emerged from key practices of outsider democracy summarized above.<sup>73</sup> Ranging from “law and society”, as a fluid, still-burgeoning body of counter-disciplinary scholarship that LatCrit/OutCrit legal scholars

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<sup>70</sup> See, e.g., Alan D. Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978); Stephanie M. Wildman, *The Legitimation of Sex Discrimination: A Critical Response to Supreme Court Jurisprudence*, 63 OR. L. REV. 265 (1984).

<sup>71</sup> See, e.g., Lawrence, *supra* note 38.

<sup>72</sup> See Hernández-Truyol et al., *supra* note 20, at 252–82.

<sup>73</sup> See Montoya & Valdes, *supra* note 2, at 225–28.

actively have helped cultivate,<sup>74</sup> to specific theoretical concepts or legal insights noted above like intersectionality and multidimensionality that incite trans-disciplinary frames of analysis,<sup>75</sup> this expansive (and sometimes transgressive) work has enabled a more comprehensive mapping of socially subordinating legal hegemonies. Over time, multidimensional counter-disciplinarity in OutCritical legal scholarship prompts and supports attentive individual and institutional actors to better “see” the social dynamics of legal issues under scrutiny in order to help facilitate effective anti-subordination interventions.

### 7. Critical Historicism

Within the broader commitment to cross-disciplinary work, perhaps the non-law discipline most salient in LatCrit/OutCrit and related work might well be history. Without doubt, the general explanatory power of history helps to engender this centrality, especially in a body of scholarship committed to unpacking the status quo to help transform it. However, this commitment to critical historicism is made even more urgent and consequential by the culture war dynamics of backlash, which insist on legal and social obeisance to “tradition”—to past practices embodying and enforcing original inequalities that Civil War and other struggles during the history of the US have sought to amend and transcend.<sup>76</sup> Whether unpacking the racialization of gender relations or documenting the legal construction of social whiteness, critical historicism has helped reframe knowledge of the past to better understand how to transcend its continuing

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<sup>74</sup> See, e.g., Laura E. Gomez, *A Tale of Two Genres: On the Real and Ideal Links Between Law and Society and Critical Race Theory*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* (Austin Sarat ed., 2004).

<sup>75</sup> See Symposium, *Critical Race Theory: A Commemoration*, 43 *CONN. L. REV.* 1253 (2011).

<sup>76</sup> See *supra* notes 24–25 and accompanying text; see also *supra* notes 53, 67.

legacies both in law and society.<sup>77</sup> Therefore, the historicism manifested in LatCrit/OutCrit theorizing consistently has a decidedly critical bent—a critical perspective designed to deploy historical knowledge towards understanding and dismantling the pillars and props undergirding present-day structures and dynamics of subordination.

## 8. Social Justice Empiricism

The salience of critical historicism may tend to incline the LatCrit/OutCrit scholarly gaze toward the past, but OutCritical methodologies include an equally vigorous commitment to exploring present-day social realities. This commitment to empiricism, anchored (as always) to an anti-subordination sense of purpose, strives to promote social justice transformation by documenting current realities from a critical, social justice, “looking from the bottom” perspective. Over the years, this commitment to social justice empiricism has delved into varied contexts of research, including archival investigations of case files that reveal obscured but key facts or aspects of litigations with high social impact,<sup>78</sup> as well as studies of curricular/professional conditions that aim to document institutional or social injustice or inequality,<sup>79</sup> and detailed fieldwork in social or legal trenches designed to provide empirical platforms for socio-legal analysis. This practice of social justice empiricism of course continues Realist initiatives and insights, but with an added critical edge seeking to capture contemporary social “truth” in order to combat culture war ideology and its rollback of civil rights. Coupled with the commitment to

<sup>77</sup> See, e.g., LAURA E. GOMEZ, *MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE* (2008); Adrienne D. Davis, *The Private Law of Race and Sex: An Antebellum Perspective*, 51 STAN. L. REV. 221, 238 (1999); IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996).

<sup>78</sup> See, e.g., MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2011).

<sup>79</sup> See, e.g., Richard Delgado & Derrick Bell, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989).

multidimensional counter-disciplinarity, this commitment to social justice empiricism brings into sharp relief the tight, complex, and relentless interplay of law and society.

## 9. Glocalized Contextualism

Although the earliest LatCrit/OutCrit work focused on issues within the US, lines of inquiry during the past 18 years have expanded and deepened this work toward increasingly globalized *and* localized contexts.<sup>80</sup> This commitment to *globalized* contextualism aims to connect the legal and the social both at the micro/local level and at the macro/global level through OutCrit scholarship that conjoins the interrogation of legal, cultural, and material realities.<sup>81</sup> For instance, this work strives to “bring home” international rights, to bridge “domestic” and “foreign” spheres of policy and action, to infuse comparative studies with a critical sensibility, and to foster a general appreciation and embrace of internationalism in the development of critical legal scholarship.<sup>82</sup> This work thus aims to document social and legal “dots” as well as to connect them; it seeks concretely and theoretically to inter-connect and juxtapose both the particularities of a locality and the patterns of neoliberal globality that jointly integrate or disintegrate the social and the legal in varied identity-inflected policy areas. As neoliberal and neoconservative iterations of globalization transplant the older identitarian orders of colonial and imperial

<sup>80</sup> See, e.g., Tayyab Mahmud, *Slums, Slumdogs, and Resistance*, 18 AM. U. J. GENDER SOC. POL’Y & L. 685 (2010).

<sup>81</sup> See Francisco Valdes, *Under Construction: LatCrit Consciousness, Community, and Theory*, 85 CALIF. L. REV. 1087 (1997); see also Francisco Valdes, *Under Construction: LatCrit Consciousness, Community, and Theory*, 10 LA RAZA L.J. 1 (1998).

<sup>82</sup> See, e.g., Symposium, *Critical Race Theory and International Law*, 45 VILL. L. REV. 827 (2000); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 CALIF. L. REV. 1395 (1997); see also Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 10 LA RAZA L.J. 309 (1998); Berta Esperanza Hernández-Truyol, *Globalized Citizenship: Sovereignty, Security and Soul*, 50 VILL. L. REV. 1009 (2005).

stratification from North to South and West to East, *globalized* contextualism endeavors to apply the anti-subordination normativity and social-economic ends of LatCrit/OutCrit scholarship both within and across the nation-state system, spanning otherwise diversely different locations or regions of the planet.<sup>83</sup>

## 10. “Non-traditional” Methods

The tenth and final hallmark of this work illustrates how LatCrit/OutCrit legal scholars engage the “socio” in our work with our diverse but consistent embrace of “non-traditional” (in mainstream US legal culture) methods and means for the production of legal knowledge. This endorsement and promotion of non-traditional approaches to legal scholarship began with the early deployment of “legal storytelling” as scholarly technique specifically within legal academia.<sup>84</sup> Since then, LatCrit/OutCrit methods have evolved into an array of practices and commitments sometimes described as “outsider democracy” in contrast to the “imperial” scholarship entrenched historically in mainstream norms governing academic knowledge production.<sup>85</sup>

As discussed above, the consistent aim of innovative critical methodologies has been the ever-greater linkage of legal interventions and social consequences in order to promote effective anti-subordination policymaking or legal reform. This external engagement of the “socio,” as also described above, has been coupled with a growing attention to the operation of social conditions within the contexts from which legal knowledge is produced, and the corresponding responsibility of the legal scholar regarding the maintenance or alteration of those conditions. This internal emphasis spans both the contexts found in mainstream institutional

<sup>83</sup> See *infra* Chart B, C, and D.

<sup>84</sup> See, e.g., Symposium, *Legal Storytelling*, 87 MICH. L. REV. 2073 (1989).

<sup>85</sup> See generally Montoya & Valdes, *supra* note 2, at 231–47.



settings, like the academy itself, as well as in the alternative for a that LatCrit/OutCrit communities have created—the safe spaces and safe zones of the micro-society brought into existence through the long-term programmatic projects that these scholars have conceived, established, and sustained individually and collectively since the 1990s.

This historical progression from safe spaces to safe zone to micro-society has led us, most recently, to the establishment of a mini-campus of our own near Orlando, Florida: Campo Sano.<sup>86</sup> This move to “bricks and mortar” takes the LatCrit experiment in critical outsider praxis to a new level; this move allows LatCrit networks to focus energies and resources on developing this physical beachhead inter-generationally and situates future generations to continue building this critical counter-tradition to academic imperialism according to always-changing circumstances.

As with the preceding practices and hallmarks, the common basic purpose of these various non-traditional methods in LatCrit and related OutCrit legal scholarship has been advancing the anti-subordination transformation of society, both internally and externally, by showcasing self-liberating information that other—“traditional”—techniques assume as natural, leave unexamined, effectively marginalize, or affirmatively occlude. Combined in variegated ways with the practices and commitments reviewed above, this general embrace of non-traditional methodologies has helped LatCrit and allied OutCrit scholars to fill-in crucial gaps in social and legal comprehension or imagination created through mainstream approaches to knowledge production. This eclectic combination of substance and method has made the practices and contents of critical outsider jurisprudence in the United States both incisive and controversial as applied internally to the venues of academic work and/or externally across various sectors of contemporary society. After 18 years of “collective personal praxis,” the multi-generational work of building a socially-

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<sup>86</sup> See Valdes, *supra* note 1, at 537–40.

grounded and substantively ethical counter-tradition of legal academic work continues programmatically in earnest, and remains hotly in contest

### III. FROM LOCAL TO GLOBAL: ACTIVIST ACADEMIC PRAXIS IN POSTMODERNITY

#### *A. New Frontiers: Next Steps in Anti-Subordination Theory and Action*

As the diverse and far-flung LatCrit community approaches the cusp of a third decade of theory, society, and praxis, this still-unfolding record and communal history provide a sturdy point of departure for trans-generational work that engages emerging or morphing issues of social relevance to multiple vulnerable communities—both internally and externally. Near to us, the professoriate and academy are under-intensifying pressure increasingly said to represent a paradigm shift in legal education, practice, and culture.<sup>87</sup> Around us, the US nation-state appears to be in the process of dismantlement even while the globalization of diverse localities across the planet further entrenches patterns of injustice rooted substantially in neo/colonial legacies.<sup>88</sup> At multiple levels, the challenges for critical outsider theory and anti-subordination activism are daunting. Since 1995, the LatCrit network of social justice communities nonetheless has worked proactively and programmatically to help bridge the gaps between local and global struggles in critical theory, anti-subordination community, and academic praxis.

While based in the legal academy of the United States and influenced principally by US-based legal developments, LatCrits decidedly have looked beyond nation-state borders from the outset.<sup>89</sup> Early on, we set out to

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<sup>87</sup> See, e.g., STEVEN J. HARPER, *THE LAWYER BUBBLE: A PROFESSION IN CRISIS* (2013).

<sup>88</sup> See Francisco Valdes & Sumi Cho, *Critical Race Materialism: Theorizing Justice in the Wake of Global Neoliberalism*, 43 CONN. L. REV. 1513 (2011).

<sup>89</sup> See *supra* notes 32–35 and accompanying text; see also Hernández-Truyol et al., *supra* note 20, at 282–87.

disrupt domestic/foreign dichotomies in legal discourse, scholarship, and consciousness; for instance, we held our first International and Comparative Law Colloquium during the same year as our first Annual LatCrit Conference—1996.<sup>90</sup> We did so because our intellectual and experiential subject positions up to that point already had shown and convinced us that our many particularities amounted to structural and systematic patterns. The question for us, in the early years, was: How do we give programmatic shape to these cross-border impulses to help ensure their self-sustainability and critical edge? How do we practice theory without borders, and across generations, for the longer term?

From the earliest years, LatCrit and allied scholars therefore have experimented with long-term programmatic initiatives, like the International and Comparative Law Colloquium (ICC)<sup>91</sup> and the Critical Global Classroom (CGC),<sup>92</sup> to give institutional, collective expression toward internationalism and comparativism in/as LatCrit theory and praxis. The ICC helps US-based LatCrit scholars engage scholars based in other regions on issues of common interest to social justice advocates, as Chart B illustrates.<sup>93</sup> The CGC aimed to provide critical, progressive students better access to outsider jurisprudence and to each other.<sup>94</sup> Both endeavor to help foster communities of anti-subordination knowledge and action. Nonetheless, reflecting our origins, circumstances, and limitations, our earliest efforts on balance were both US-centric, as well as law-centric. Despite programmatic initiatives like the ICC and CGC, the projects experiencing the most forward-leaning traction seemed to be those most

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<sup>90</sup> See *infra* Chart B.

<sup>91</sup> See *The LatCrit Portfolio of Projects: 2012-2013*, LATCRIT, <http://latcrit.org/content/about/portfolio-projects/> (last visited Mar. 9, 2014).

<sup>92</sup> See *id.*

<sup>93</sup> See *infra* Chart B.

<sup>94</sup> See Francisco Valdes, *Insisting on Critical Theory in Legal Education: Making Do While Making Waves*, 12 LA RAZA L.J. 137 (2001).

closely related to the United States and to law as a discipline, like our original, flagship project—the Annual LatCrit Conference.

Yet, we persisted. Through ups and downs, and twists and turns, we have engaged proactively our collective limitations in the cultivation of critical approaches to “hemispheric justice studies.”<sup>95</sup> Over time, our original commitments and early efforts allowed us to cross-pollinate projects that were US/law-centric with those that more proactively centered comparative and international studies in the development of critical outsider jurisprudence. This internal cross-pollination, alongside the work of overlapping international and critical networks in the United States and beyond, set the stage for the next round of initiatives—and challenges—to cross-border legal studies across this hemisphere and beyond.

### *B. Critical Comparativism: South-North Framings and LatCrit Praxis*

Since the mid-1990s, our international projects have coalesced into a “basket” of four active programmatic initiatives. The first two, mentioned above, are the ICC and CGC—the former focused on academics and production of scholarship and networks, and the latter focused on students and the education of future generations. Since then, we have initiated two more distinctive programmatic efforts: the South-North Exchange on Theory, Law, and Culture (SNX) and the Study Space Seminar (SSS). Each provides a different mechanism to help us develop our existing understandings and resources, and all are supposed to be mutually reinforcing of the others.

The SNX, as its name denotes, has emphasized south-north framings and the cultivation of critical studies and networks particularly across the Americas, and more generally, with the Global South.<sup>96</sup> In addition, as the

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<sup>95</sup> See *infra* notes 105–09 and accompanying text.

<sup>96</sup> See *South-North Exchange (SNX)*, LATCRIT, <http://latcrit.org/content/south-north-exchange/> (last visited Mar. 3, 2014).

name likewise denotes, this project is designed to be a conversational exchange not only across region or location, but also across discipline and perspective—an exchange of theory, law and culture, an ongoing examination of their interplay. As Chart C illustrates, the SNX has complemented our work in the ICC tremendously, emphasizing the Americas in particular.<sup>97</sup> Over time, this project also aims to nurture not only a discourse, but also a network of critical scholars able to multiply our knowledge-production work as social justice praxis.

Even more recently, the Study Space Seminar is another programmatic innovation similarly designed to cultivate both community and knowledge across location, identity, and discipline.<sup>98</sup> This project assembles a relatively small number of academics, students, and activists for a week-long immersion workshop convened in rotating cities around the world in order to study those locations as human habitats.<sup>99</sup> Between 2007 and this year, the SSS had examined Panama City, Panama; Bogota and Medellin, Colombia; Denver, Colorado, USA; Rio de Janeiro, Brazil; and La Habana, Cuba.<sup>100</sup> This project thereby aims to synthesize the formal study and experiential understanding of material realities and their correlation to traditional identity-based ideologies deployed through race, gender, sexuality, and other troubled categories. As Chart D illustrates, in and through the Study Space Seminar participants are able to understand in both intellectual and physical terms how the construction of socio-economic classes intersect with white supremacy, patriarchy, homophobia, and other identity-based neo/colonial ideologies in particular locations.<sup>101</sup> Over time, these rotating seminars effectively produce a map of varied locations with

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<sup>97</sup> See *infra* Chart C.

<sup>98</sup> See LATCRIT, *supra* note 3.

<sup>99</sup> See Francisco Valdes, *Foreward: Interruptions and Intersections: Journeys to the Center of the Americas*, 4 TENN. J.L. & POL'Y 167 (2008).

<sup>100</sup> See *infra* Chart D.

<sup>101</sup> *Id.*

remarkably similar commonalities amidst their many complexities and intricacies; a map of law, identity, and in/justice showing both specificities and commonalities. Over time, this project, like and with the ICC, CGC, SNX, and other LatCrit projects, helps to cultivate a sense of activist academic community across multiple borders based on shared commitments to a post-subordination reality.

This basket of four internationalist/comparativist projects parallels our programmatic efforts to establish a critical outsider counter-tradition within the US based on democratic practices and anti-subordination values through the ALCs, FDWs, SSPs, and other “domestic” programs in the LatCrit portfolio. As a set, this quartet of globally-oriented projects and their related publications strives to create conducive intellectual conditions for the articulation of critical outsider jurisprudence in south-north legal frameworks. These and similar projects constitute a long-term proactive campaign to cultivate a diverse and coalitional academic micro-society without borders, a trans-national community of critical networks committed to social justice knowledge and action.

In other words, each of these projects aims to provide a “safe space” for the incubation specifically of diverse inter-American justice networks, studies, and actions. And the four cumulatively aim to provide a “zone” of safety where these trans-national, trans-generational anti-subordination networks, discourses, and efforts can meet, grow, and strengthen. As noted above, this type of personal collective praxis has become a LatCrit hallmark since the mid-1990s both in “domestic” and in “international” events or initiatives. Together, the sum of all these efforts adds up to the open, democratic micro-society that helps us all to leverage the reach of our individual exertions, and that remains perpetually under construction.

As with our US-based conferences, these four internationalist and comparativist projects additionally are designed to produce and disseminate knowledge beyond the confines of the immediate moment and actual event. As with most of our other projects and programs, these gatherings also

provide platforms for partnerships with law reviews and journals interested in critical outsider studies to publish the papers and proceedings produced or presented there. During the past 20 or so years, these internationalist/comparativist projects and programs, together with our “domestic” projects, have yielded 40-some publications, most in English and one in Spanish. Today, these texts are indexed by themes and by keywords, globally accessible through the “Research ToolKit” of the LatCrit website.<sup>102</sup> Cumulatively, the thousand-plus authors who have composed these and similar publications have helped to chart the contours both of OutCrit legal discourse *and* of hemispheric justice studies and to encourage their ongoing expansion in multiple, and hopefully synergistic, directions for the next and coming generations of OutCrit scholars and scholarship.

In effect, then, these initiatives, efforts, and projects amount to a sustained, collective, programmatic undertaking to nurture *critical approaches to hemispheric justice studies* from and beyond the United States legal academy. These efforts to conceive and initiate a new field of study and action aim to open lines of critical, cross-disciplinary inquiry adapted to the mapping and undoing of structural patterns of domination across the Americas and even beyond. These efforts to foment hemispheric justice studies have yielded multilateralized discourses, publications, networks, and projects designed to help North-centric scholars and scholarship learn from South-centric work, and vice versa. In turn, this type of sustained multilateral exchange aims to assist social justice advocates across the Americas (and beyond) to catalyze and sustain positive social changes within societies and across borders. Using the experience of critical outsider jurisprudence and guided by the LatCrit functions, guideposts, and

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<sup>102</sup> See *Overview of LatCrit Publications*, LATCRIT, <http://latcrit.org/content/publications/> (last visited Mar. 9, 2014).

postulates,<sup>103</sup> this past decade of SNX's and related publications or events now position LatCrit and allied networks or scholars to carry this internationalist, comparativist programmatic work forward into another decade, steered increasingly by new generations of scholar-activists based both in the Global South and in the Global North, both in law and in other disciplines or sectors of society.

### *C. Substantive Agendas: Hemispheric Justice Studies and Euro-heteropatriarchy*

Given the shared though varied histories of conquest and colonization across the hemisphere and their attendant ideologies, our programmatic efforts to date necessarily have included critical examinations of patriarchy, Euro-centrism, white supremacy, and homophobia as inter-connected social cancers that systematically deform the lives of many citizens across many neo/colonial societies, regions, and eras. These projects and programs similarly have examined the ways in which indigenous societies have been subjugated, exploited, and dispossessed by settlers from other continents. And these collective studies also have necessarily centered the material, tangible, economic consequences of those historic and continuing crimes—the centuries of institutionalized unjust enrichment flowing in favor of original colonizers and their successors-in-interest despite the otherwise resolute repudiation of identitarian ideologies that birthed and entrenched this structural status quo.

Thus, much like critical outsider jurisprudence focused mostly in/on the United States, LatCritical approaches to hemispheric justice studies must similarly interrogate and challenge systemic “Euro-heteropatriarchy”<sup>104</sup> in

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<sup>103</sup> See *supra* notes 1–2, 6.

<sup>104</sup> See generally Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law and Society*, 83 CALIF. L. REV. 1 (1995); Francisco Valdes, *Unpacking Hetero-*



its local as well as global expressions. In this way—and only through these ways—can critical networks of activist anti-subordination scholars help to produce the knowledge necessary to sustain social action to dismantle transnationally the centuries-old edifice of institutionalized Euro-heteropatriarchy through coalitional anti-subordination solidarity. Activating critical south-north networks to take on this cross-bordered, long-term agenda is the next and pressing step in the multi-generational development of an outsider counter-tradition to academic imperialism in and through OutCritical approaches to hemispheric justice studies.<sup>105</sup>

As imagined here, and as reflected in the themes, programs, and publications of the SNX and similar LatCrit projects since the mid-1990s,<sup>106</sup> hemispheric justice studies would encompass at least five overlapping lines of critical inquiry and socio-legal action:

- The first line of inquiry and action is the establishment of legitimate and transparent constitutional governance at all levels of organized society based on inclusive, participatory democracy that is operationally accountable and responsive to the general public interest;
- Next, and related, is securing the self-determination of Native, Indian, and First Nation societies, and the reparation of stolen lands and resources to them;
- Third is the enforcement of economic justice, both in “domestic” and international relations, to ensure the dignity, wellbeing, and basic livability of all humans across physical geographies and socio-economic strata;
- The fourth set of concerns involve the efficacious protection of human rights, ranging from the civil and political to the social, cultural and collective, regardless of class, race, sex, sexual

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*Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161 (1996).

<sup>105</sup> See generally Valdes, *supra* note 31, at 317–24.

<sup>106</sup> See *infra* Chart B, C, and D.

orientation, religion, culture, citizenship, or other kinds of human identities;

- Finally, the substantive agenda of critical hemispheric justice studies would encompass respect for the planet as a common critical human resource that no individual, group, or corporation has the right to exploit at will, and would strive to control private profiteering at public expense.

Of course, these five points of substantive critical engagement reflect the local and global baseline political economies that sustain the institutions, structures, and architecture of Euro-heteropatriarchy. As a substantive goal, each requires much refining and detailing. But, to transform the entrenched status quo that they combine to construct, it follows that we must confront intersecting regimes of injustice across *all* of these fundamental issues, and disrupt their mutually-reinforcing interactions; to be socially relevant, our anti-subordination work *must* meet and challenge the mutually-reinforcing interplay of the various ideologies that combine in the United States (and elsewhere across the globe) to form the subordinations structures of Euro-heteropatriarchy in law, academy, and society.

It thus bears emphasis that these five sets of anti-subordination concerns present a *long-term* substantive agenda for critical approaches to hemispheric justice studies, and to related actions or reforms. After all, the present-day architecture of Euro-heteropatriarchal subordination has taken a half-millennium to emplace across the hemisphere, and throughout many other parts of the globe; mapping, unpacking, reversing, and dismantling the imperatives and structures of the prevalent neocolonial status quo necessarily is a multi-generational project. At this stage, as the LatCrit self-study and strategic planning process concluded, *our* task is to build on the record established thus far by pioneers and allies to the best of our individual and collective capacities.

In sum, the LatCrit basket of internationalist, comparativist, and counter-disciplinarian efforts reflects our original and continuing commitment to

social relevance across all types of borders, and in proactively multidimensional terms. In particular, these long-standing and ongoing efforts show our programmatic commitment to the promotion of anti-subordination knowledge to guide social justice action across and despite the borders of states, nations, cultures, and disciplines. Through the cultivation of critical coalitions and networks based on mutual respect for difference, and on explicitly shared values and goals, the LatCrit/OutCrit community aims to influence theory, academy, and society always toward the direction of post-subordination, post-Euroheteropatriarchal possibilities across multiple categories of identity, generation, status, or location. Despite our many and continuing limitations, we continue this work in the form of outsider society and democracy because we insist on ushering in the future that we envision, both locally and globally.<sup>107</sup>

Finally, and yet again as with our other projects and programs, these internationalist/comparativist efforts present myriad challenges that limit our gains as well as our possibilities. In material terms, trans-national and counter-disciplinarian studies require the most economic resources (to fund travel, for example) and encounter heightened structural barriers based on discipline/location-specific details (like language, tenure requirements, custom, and habit). To be meaningful and productive, programs and projects like these oftentimes must navigate multiple and costly levels of translation—translations across language, across jargon, across-culture. And each act or level of translation compounds, sometimes greatly, the hard economic costs of the effort, which over time can multiply dramatically. Over time, these incessant pressures, drags, and burdens necessarily accumulate, and thereby inhibit our work.<sup>108</sup>

Not coincidentally, these pressures, drags, and burdens are a continuing legacy of the neocolonial status quo we inherit—a Euro-heteropatriarchal

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<sup>107</sup> See Valdes, *supra* note 30, at 151–53.

status quo checkered precisely by the borders of language, culture, identity, class, and other artifacts of colonial and imperial aggressions throughout the hemisphere and globe that now tax our efforts. Struggling against these very pressures, drags and burdens therefore is an act of resistance in itself. But beyond this act, we have aimed for more; we have constructed an ethical micro-society and counter-tradition in cross-bordered knowledge production that have helped to map intellectual and action agendas spanning academy and society in the name of equal justice for *all*, both in local and global social justice contexts.

## CONCLUSION

18 years on, this trans-national LatCrit community of OutCritical networks continues to work on the fusion of action and theory, both in local *and* global justice contexts. Without doubt, the 2013 biennial LatCrit conference displayed the continuing vitality, perseverance, vision, and cohesion of this outsider society as a hub of critical coalitions and individuals dedicated to social justice activism across multiple kinds of borders. Increasingly, this work unfolds in the context of generational transitions to be expected after nearly two decades of steady programmatic work across the country, hemisphere, and globe.

Following the vision of the Strategic Plan adopted in 2011, our work remains on track as we approach 2015—our 20th anniversary of personal collective praxis. Yet, much work and uncertainty remain. Even as we celebrate the development of our own independent community campus, we encounter the politics of austerity that stifle every aspect of our work. Even as we move forward with existing projects and new initiatives that promise to take our efforts to unprecedented levels, we must navigate the riptides of retrenchment that undercut our access to essential material resources. It is in this context that we must forge ahead, figuring out in principled yet opportunistic terms how to implement a post-subordination future. It is in

this context that we must best deploy our assets and resources both to resist backlash and to make forward progress.

As LatCritters work daily under these challenging circumstances to approach the milestone of a third decade, we must remain ever-mindful of the need to be both nimble and ethical: we must begin to prepare *now* for the challenges posed by this perpetual balancing act over the longer run, challenges that will only increase as structural and ideological regressions in academy and society continue to unfold. As we approach a third decade of this critical outsider experiment, LatCritters must continue to cultivate the transition from original to coming generations in intellectual, physical, and institutional terms that respond to the existing requirements and future hopes for our Portfolio of Project, and that continually advance the anti-subordination bottom lines of critical outsider jurisprudence more generally.

As we continue to assess self-critically the relevance of our work in an ever-changing social-political landscape, we must continue with fidelity the LatCrit commitment to personal collective praxis increasingly in trans-generational terms to flexibly adjust our academic practices and priorities, as dictated by our principles, in varied local/global justice struggles for the longest of terms: until establishment of a post-subordination social order. Even as we labor to implement the five-year Strategic Plan of 2011, we must begin to look beyond it but be mindful of the functions, guidelines, and postulates of our work and its ethical relationship to critical social justice. Even as we aim to consolidate our tentative gains, we must press forward with inter-generational transitions and programmatic evolutions, but on terms that ensure the substantive integrity and material relevance of our work. These challenging efforts are especially crucial in an era of intensifying neocolonial backlash resulting in a sweeping take-back of rights and opportunities by force of law. The combustible histories, conditions, and factors that contextualize our roots, efforts, and trajectories thereby timely remind us yet again why the LatCrit experiment in critical outsider democracy, society, and jurisprudence remains vital and important

today, and why it ideally will remain always under positive, proactive, principled construction.

**CHART A**  
**ANNUAL LATCRIT CONFERENCE (ALC):**  
**HISTORY AND PUBLICATIONS, 1996-2013**

1. *LatCrit I*: La Jolla, California, May 2-5, 1996; Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997).
2. *LatCrit II*: San Antonio, Texas, May 1-4, 1997; Symposium, *Difference, Solidarity and Law: Building Latina/o Communities through LatCrit Theory*, 19 CHICANO-LATINO L. REV. 1 (1998).
3. *LatCrit III*: Miami, Florida, May 7-10, 1998; Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999).
4. *LatCrit IV*: Lake Tahoe, April 29-May 2, 1999; Symposium, *Rotating Centers, Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. 751 (2000).
5. *LatCrit V*: Breckenridge, Colorado, May 4- 7, 2000; Symposium, *Class in LatCrit: Theory and Praxis in a World of Economic Inequality*, 78 DENVER U. L. REV. 467 (2001).
6. *LatCrit VI*: Gainesville, Florida, April 26-29, 2001; Symposium, *Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory*, 55 U. FLA. L. REV. 1 (2003), 54 RUTGERS L. REV. 803 (2002).
7. *LatCrit VII*: Portland, Oregon, May 2-5, 2002; Symposium, *Coalitional Theory and Praxis: Social Movements and*

- LatCrit Community*, 81 OR. L. REV. 587 (2002), 13 LA RAZA L. J. 113 (2002).
8. *LatCrit VIII*: Cleveland, Ohio, May 1-4, 2003; Symposium, *City and Citizen: Operations of Power, Strategies of Resistance*, 52 CLEV. ST. L. REV. 1 (2005).
  9. *LatCrit IX*: Malvern, Pennsylvania, April 29-May 1, 2004; Symposium, *Countering Kulturkampf Politics through Critique and Justice Pedagogy*, 50 VILL. L. REV. 4 (2005), 35 SETON HALL L. REV. 1155 (2005).
  10. *LatCrit X*: San Juan, Puerto Rico October 6-10, 2005; Symposium, *Critical Approaches to Economic In/Justice: LatCrit at Ten Years*, 26 CHICANO-LATINO L. REV. 1 (2006), 17 LA RAZA L.J. 1 (2006).
  11. *LatCrit XI*: Las Vegas, Nevada, October 5-8, 2006; Symposium, *Working and Living in the Global Playground: Frontstage and Backstage*, 7 NEV. L.J. 685 (2007).
  12. *LatCrit XII*: Miami, Florida, October 4-6, 2007; Symposium, *Critical Localities: Epistemic Communities, Rooted Cosmopolitans, New Hegemonies and Knowledge Processes*, 4 FLA. INT'L U. L. REV. 1 (2008).
  13. *LatCrit XIII*: Seattle, Washington, October 2-4, 2008; Symposium, *Representation and Republican Governance: Critical Interrogation of Electoral Systems and the Exercise of the Franchise*, 8 SEATTLE J. FOR SOC. JUST. 1 (2009).
  14. *LatCrit XIV*: Bethesda, MD, October 1-4, 2009; Symposium, *Outsiders Inside: Critical Outsiders Theory and Praxis in the Policymaking of the New American Regime*, 18 AM. U. J. GENDER SOC. POL'Y & L. 367 (2010).



15. *LatCrit XV*: Denver, CO, October 7-10, 2010; Symposium, *The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up*, 14 HARV. LATINO L. REV. 243 (2011), 1 U. MIAMI RACE & SOC. JUST. L. REV. 1 (2011), 22 LA RAZA L.J. (2012).
16. *LatCrit XVI*: San Diego, CA, October 6-9, 2011; Symposium, *Global Justice: Theories, Histories, Futures*, 48 CAL. W. L. REV. 231 (2012), 42 CAL. W. INT'L L.J. 265 (2012).\*

\*As discussed above in the text, in 2011 the LatCrit conference shifted to a biennial schedule, alternating with the conference of the Society of American Law Teachers (SALT).

## **CHART B**

### **INTERNATIONAL & COMPARATIVE LAW**

### **COLLOQUIUM (ICC):**

### **HISTORY AND PUBLICATIONS, 1996-2013**

1. International Law, Human Rights and LatCrit Theory, Miami, Florida, 1996; Colloquium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997).
2. Human Rights Law and LatCrit Theory After *Pinochet*, Malaga, Spain, 1999; Colloquium, *Spain, the Americas, Latino/as: International and Comparative Law in Triangular Perspective*, 9 U. MIAMI INT'L. & COMP. L. REV. 1 (2000) (publishing the proceedings of the second and third ICCs, held during 1998 and 1999 in Malaga, Spain).

3. The Power to Order: Placing the Legal Control of Sexualities in Comparative and International Perspective, Malaga, Spain, 2000; Colloquium, *Spain, the Americas, Latino/as: International and Comparative Law in Triangular Perspective*, 9 U. MIAMI INT'L. & COMP. L. REV. 1 (2000) (publishing the proceedings of the second and third ICCs, held during 1998 and 1999 in Malaga, Spain).
4. Colonialism, Globalization and Law, Buenos Aires, Argentina, 2003; Colloquium, *LatCrit Theory and Inter-American Studies: South-North Perspectives*, 38 REV. JURIDICA U. INTER. P.R. 1 (2003).
5. LatCrit Theory and Praxis in International Contexts, Cape Town, South Africa, 2004; Colloquium, *Centering Constitutionalism: LatCritical Theory in International and Comparative Law*, 14 GRIFFITH U.L. REV. 143 (2005).
6. Globalizing Equality Theory, Constructing Material Justice: The Next Critical Project, Paris, France, 2010 (papers published as part of the LatCrit XV Symposium); Symposium, *The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up*, 22 LA RAZA L.J. 3 (2012).

**CHART C**  
**SOUTH-NORTH EXCHANGE ON THEORY**  
**CULTURE AND LAW (SNX):**  
**HISTORY AND PUBLICATIONS, 2003-2013**

1. Beyond Formal Democracy: Re-conceiving Self Determination, San Juan, Puerto Rico, 2003; Colloquium *Law, Culture, and Society: LatCrit Theory and Transdisciplinary Approaches to Law and Policy*, 16 FLA. J. INT'L L. 539 (2004).
2. Reconstituting Constitutions and Cultures: Neoliberalism, Social Justice and the Rule of Law, San Juan, Puerto Rico, 2004; Symposium, *Law, Culture and Indigenous People: Comparative and Critical Perspectives*, 17 FLA. J. INT'L L. 449 (2005) (publishing the proceedings of the second and third SNXs, held during 2004 and 2005 in San Juan, Puerto Rico).
3. The Americas and their Indigenous People: Assessing the International Decade of the World's Indigenous People (1994-2004), San Juan, Puerto Rico, 2005; Symposium, *Law, Culture and Indigenous People: Comparative and Critical Perspectives*, 17 FLA. J. INT'L L. 449 (2005) (publishing the proceedings of the second and third SNXs, held during 2004 and 2005 in San Juan, Puerto Rico).
4. Free-Market Fundamentalism: A Critical Review of Dogmas and Consequences, Bogota, Colombia, 2006; Symposium, *Free Market Fundamentalism: A Critical Review of Dogmas and Consequences*, 5 SEATTLE J. SOC. JUST. 497 (2007).
5. Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation, Rio De Janeiro, Brazil, 2007; Symposium, *Race and Color Across the Americas: Comparative Constructions of Racial and Ethnic Subjugation*, 21 NAT'L BLACK L.J. 1 (2009), available at

<http://journals.cdrs.columbia.edu/nblj/index.php/nblj/article/viewfile/23/16>.

6. Legal/Political Progressivism and Public Policies in the Americas, Santiago, Chile, 2009; Symposium, *Legal/Political Progressivism and Public Policies in the Americas*, PACE INT'L L. REV. (Online Companion) 1 (2010).
7. The Global Politics of Food: Sustainability and Subordination, Mexico City, Mexico, 2010; Symposium, *The Global Politics of Food: Sustainability and Subordination*, 43 U. MIAMI INTER-AM. L. REV. 1 (2011).
8. Migratory Currents in the Americas, Santo Domingo, Dominican Republic, 2011; Symposium—*Migratory Currents in the Americas, Corrientes Migratorias en las Americas*, REV. JUR. U.I.P.R (forthcoming 2013), and Migratory Currents in the Americas, Santo Domingo, Dominican Republic, 2011; Symposium, *Migratory Currents in the Americas, Corrientes Migratorias en las Americas*, 46 REV. JUR. INTERAMERICANCA P.R. 723 (2012).
9. The Changing Face of Justice: Access to the Inter-American System of Human Rights, Curridabat, Costa Rica, 2012; Symposium, *The Changing Face of Justice: Access to the Inter-American System of Human Rights*, 3 CREIGHTON INT'L & COMP. L.J. 116 (2013).
10. The Costs of Exclusion: Austerity Policies and Anti-Social Governmental Strategies, San Juan, Puerto Rico, 2013; Symposium, *The Costs of Exclusion: Austerity Policies and Anti-Social Governmental Strategies*, 2 J. RACE GENDER & POVERTY (forthcoming 2014).

**CHART D**  
**STUDY SPACE SEMINAR (SSS):**  
**HISTORY AND PUBLICATIONS, 2007-2013**

1. Entering the 21<sup>st</sup> Century: Challenges and Opportunities of Panama's Explosive Urban Growth, Panama City, Panama, 2007; Symposium, *Panama's Explosive Urban Growth*, 4 TENN. J. L. & POL'Y 158 (2008).
2. Multicultural Colombia: Urban and Rural Lands, Rights of Self-Governance and Cultural Difference, Bogotá, Colombia, 2008; Symposium, *Multicultural Colombia: Urban & Rural Lands, Rights of Self-Governance and Cultural Difference*, 40 U. MIAMI INTER-AM. L. REV. 197 (2009).
3. Social and Cultural Demands on Private and Public Lands in the Post-Colonial North American West: Managing the 'City Beautiful', Denver, Colorado, 2008 (papers to be published as part of the LatCrit 2013 Symposium); Symposium, *Resistance Rising: Theorizing and Building Cross-Sector Movements*, 46 J. MARSHALL L. REV. (forthcoming 2014).
4. The Use and Control of Space and Institutions for Social Transformation—the Case of Medellín, Medellín, Colombia, 2009; Symposium, *Multicultural Colombia: Urban & Rural Lands, Rights of Self-Governance and Cultural Difference*, 41 U. MIAMI INTER-AM. L. REV. 1 (2009).

5. Inclusive and Sustainable Rio: Cultural Diversity, Property and the Environment, Rio de Janeiro, Brazil, 2010; Symposium, *Inclusive and Sustainable Rio: Cultural Diversity, Property and the Environment*, 44 U. MIAMI INTER-AM. L. REV. (forthcoming 2013).
6. Inclusive and Sustainable Rio: Cultural Diversity, Property and the Environment, Rio de Janeiro, Brazil, 2010; Symposium, *Inclusive and Sustainable Rio: Cultural Diversity, Property and the Environment*, 44 U. MIAMI INTER-AM. L. REV. (forthcoming 2013).
7. Comparative Systems in Law and Society, Havana, Cuba, 2013.\*

\*Publication possibilities and other programmatic follow-ups presently are under discussion.