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Afterword: Kindling the Programmatic Production of Critical and Outsider Legal Scholarship, 1996-2016

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AFTERWORD:

**KINDLING THE
PROGRAMMATIC PRODUCTION
OF CRITICAL AND OUTSIDER
LEGAL SCHOLARSHIP,
1996–2016***

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I. INTRODUCTION

The United States is at a monumental juncture in its trajectory as a nation-state. Insecurity, inequality, and violence characterize much of contemporary life. Now, as before, activists and scholars frequently turn to law for solutions; however, law often fails to provide adequate tools to challenge social injustice. It is legal to suffer the indignity of hunger, the strain of illness, or the horror of state violence. Indeed, law often facilitates and creates the problems facing traditional and emerging outgroups, as well as substantial sectors of traditionally privileged ingroups. Yet possibility for liberation remains in law. And it is in the crevices of possibility that we do our work as a diverse

* Special thanks go to Steve Bender and Tayyab Mahmud for helpful comments and encouragement.

community of activist scholars embedded oftentimes in legal education and culture. Drawing on this possibility, we aim strategically to conceive and organize critical sociolegal scholars' work in conjunction with contemporary social justice movements that fuse action with theory, and vice versa, ever more sharply.

Keenly aware of the zeitgeist—and grounded in the lessons of multiple generations of past social justice activism and critical theory—the LatCrit community marked its twentieth anniversary of programmatic knowledge production during October 2015 by convening critical thinkers who are pursuing, in diverse ways, the shared goal of creating a legal order where equal justice for all is reality, not aspiration.

Turning to the roots of law itself, LatCrit XX gathered this community of critical and outsider scholars from all over the country and beyond in Southern California, aiming to help spark multiple interventions into “Critical Constitutionalism”—a project to reclaim the potential utility of constitutionalism to outgroups through the lenses and lessons of critical outsider jurisprudence and historical experience.¹ This project makes a programmatic effort to re/examine how constitutional law and norms can provide re/constructive means beyond exposing and naming systemic subordination. Reflecting the organization of Law around nation-states, this year's effort provisionally centers our place of origin—the U.S.—to help initiate

** Moise S. Steeg, Jr. Associate Professor of Law, Tulane University Law School. I would like to thank my co-authors for their amazing insights and diligent work on this document. I would also like to thank the organizers and participants of LatCrit XX for friendship, fellowship, and inspiration. What is productive and positive about this piece is forged in community with these individuals. Any mistakes I claim as my own

*** Professor, University of Miami School of Law. My thanks for rich and rewarding collaborations go to the organizers of this year's conference and related events, to the editors of this symposium, to my co-authors, and to generations of activist scholars before us, all of whose joint work makes this forward-looking twentieth anniversary actual. All errors are mine, or shared with my co-authors.

**** Director of Clinical Programs and Assistant Clinical Professor of Law, University of Pittsburgh School of Law. This Afterword is a testament to the labor of love that for years the members of the diverse project teams have engaged in. My gratitude to them for their leadership, hard work and their commitment to social justice.

1. See Steve Bender, *Foreword, Now, More than Ever: Reflections on LatCrit at Twenty*, 10 CHARLESTON L. REV. 173 (2016); to review the conference materials and programs, please visit the LatCrit website, www.latcrit.org.

ongoing “streams” of programmatic efforts that progressively link critical constitutional studies to transnational justice networks and actions. But recognizing the breadth and complexity of the terrain from the outset, the 2015 conference program took up issues ranging from political advocacy and participation to criminal proceedings, individual rights, due process guarantees, and more. And as always, the conference also welcomed presentations that related to the standing themes of LatCrit theorizing: the multidimensionality of Latina/o identity and its relationship to current legal, political, and cultural regimes or practices.²

Even with this focus, the conference once again served as a venue to advance ongoing generational transitions within our activist-scholar community and again center emerging voices and ethical collaboration.³ In particular, the organizing committee’s success in showcasing emerging scholar-activists throughout the program brought fresh insight and commitment that promises to animate LatCrit endeavors into the coming decade.⁴ In these and related ways, we continue to self-critically apply to our own programmatic endeavors the lessons and imperatives of critical outsider theorizing.⁵ As we explain below, we thus continue implementing the commitments and conclusions of the recently completed strategic planning process that has helped bring the LatCrit academic community to this point.

2. To review the “standing themes” for the LatCrit conferences, please visit the LatCrit website. *Id.*

3. As elaborated below, the LatCrit community has been pursuing a process of inter-generational transitions designed to ensure the continuity, as well as the expansion, of our programmatic work, and ensure its continuing social grounding and relevance in line with our Self-Study and Strategic Plan. See Francisco Valdes, *Coming Up: New Foundations in LatCrit Theory, Community, and Praxis*, 48 CAL. W. L. REV. 505, 523 (2012) [hereinafter *Coming Up*].

4. This work overlaps and reinforces other recent efforts to center emerging scholars and help promote generational transitions in capacity-building ways for the longer term, such as the recent LatCrit symposium appearing in the Chicago-Kent Law Review showcasing the work of rising LatCrit/OutCrit scholars. See Tayyab Mahmud, Athena Mutua & Francisco Valdes, *Foreward - LatCrit Praxis @ XX: Toward Equal Justice in Law, Education and Society*, 90 CHI.-KENT L. REV. 361 (2015).

5. Through consistent self-reflection, LatCrit has emphasized long-term planning and collective action as key elements in the development of antisubordination scholarship and projects. See *Coming Up*, *supra* note 3, at 523; see also Margaret E. Montoya, *Introduction, LatCrit Theory: Mapping Its Intellectual and Political Foundations and Future Self-Critical Directions*, 53 U. MIAMI L. REV. 1119, 1121 (1999).

In this spirit, our Afterword to this conference-based symposium represents not only an inter-generational reflection on LatCrit *theory @ XX*,⁶ but also an aspirational reminder of our foundational propositions and values as we look and venture ahead. Beginning with an introduction to the foundational theoretical principles of LatCrit knowledge production—as embodied principally by LatCrit values and the related functions, guidelines, and postulates outlined below—we discuss in more detail and depth how these theoretical principles underpin the various projects in the LatCrit “portfolio” and provide a historical sketch of the development of these projects as programmatic knowledge production. In particular, we aim through this account to sketch and explain our collective efforts to produce shared knowledge progressively as a foundation for community-building and collaborative action. This process happens in part through some of LatCrit’s projects, and oftentimes in the form of published legal scholarship from the mid-1990s onward. As we show below, this combination of academic events with formal publications to advance the development of outsider and critical theories, communities, and networks has become during the past two decades a consistent and continuing methodology of LatCrit knowledge production and academic activism. Finally, to conclude this Afterword, we consider briefly how LatCrit values and aspirations—notably collective self-sustainability and solidarity across difference—can provide a purchase for praxis, community building, and knowledge production even in a world where the *prima facie* “givens” of the twenty-first century have grown more uncertain, if not hostile, to justice-centric enterprises. We hope, with these thoughts, to support the ongoing work of scholars and activists everywhere struggling for equal justice for all as we begin to engage a third decade of theory, community, and praxis.

II. FRAMING LATCRIT THEORY AND SCHOLARSHIP: A SUBSTANTIVE RECAP OF BASICS AND HIGHLIGHTS

LatCrit was conceived twenty years ago during conversations started at a colloquium on Latinas/os and critical race theory in Puerto

6. This Afterword on *theory* therefore should be read in conjunction with the recent Foreword focused on *praxis* appearing in the 2015 Chicago-Kent Law Review symposium. The two of course overlap in both obvious and complex ways. See Mahmud, Mutua & Valdes, *supra* note 4.

Rico and was continued—and implemented—the next year in La Jolla at the LatCrit I conference.⁷ Twenty years into this journey, the LatCrit experiment in critical outsider jurisprudence continues to live up to its core vision: a community of activist scholars with a continuing commitment to the construction of an alternative model of legal knowledge production that stands in contrast to the imperial model of mainstream traditions—an outsider and critical, or OutCrit, jurisprudence.⁸ Margaret Montoya’s words of ten years ago still resonate true: “LatCrit has developed into a cohesive community of critical intellectuals who reveal and voice legal issues and analyze them by applying progressive principles and perspectives based on an ethos of anti-subordination and a strategic anti-essentialism”⁹.

Importantly, *strategic* anti-essentialism positions us to see, but not be blinded by, social identity and to focus, in addition, on political identities; the strategic nature of this anti-essentialism allows us to pursue equal justice in ways that transcend conventional identity constructs and politics to embrace difference in principled ways and to support multidimensional acceptance.¹⁰ In turn, anti-subordination principles commit us to challenging all practices and policies that by intent or effect enforce the subjugated social status of historically oppressed identity groups. Coupled, the two enable us to better develop practices and policies capable of redressing entrenched structures of inequality.¹¹ These inter-related conceptions provide the critical lenses through which LatCrit theory, praxis, and community are imagined and

7. Berta E. Hernández-Truyol, Angela Harris, and Francisco Valdes, *Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 17 *LA RAZA L.J.* 169 (2006).

8. Francisco Valdes, *Rebellious Knowledge Production, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008*, 8 *SEATTLE J. FOR SOC. JUST.* 131, 145 (2009) [hereinafter *Rebellious Knowledge Production*].

9. Margaret E. Montoya, *Foreword: LatCrit at Ten Years*, 26 *CHICANA/O-LATINA/O L. REV.* 1, 1 (2006) [hereinafter *Lat Crit at Ten*].

10. Multidimensionality theory, as set forth by Darren Lenard Hutchinson, involves considering the multidimensional nature of subordination. Hutchinson sees subordinating factors and their accompanying harms as varied rather than universal. See Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 *CONN. L. REV.* 561, 633–34 (1997).

11. See generally Sheila I. Vélez Martínez, *Towards an Outcrit Pedagogy of Anti-Subordination in the Classroom*, 90 *CHI.-KENT. L. REV.* 589 (2015) [hereinafter *Towards an Outcrit Pedagogy*]; see also *infra* note 101-02.

organized to this day.

As its naming suggests, the LatCrit experiment in critical outsider jurisprudence responds initially both to the long historical presence and general sociolegal invisibility of Latinas/os in the United States.¹² As with other traditionally subordinated communities within this country, the combination of longstanding occupancy and persistent marginality fueled an increasing sense of frustration among contemporary Latina/o legal scholars, some of whom already identified with critical race theory (CRT) and participated in its gatherings.¹³ As these origins indicate, this Latina/o-identified genre of outsider jurisprudence was conceived as a movement closely related to CRT; because it was born proximately of the CRT experience, LatCrit theory views itself as a “close cousin” to CRT—a cousin that always welcomes CRT, both in spirit and in the flesh, to its gatherings.¹⁴

But LatCrit scholarship and programming has also enjoyed a strong affinity with the more critical strains of feminist legal theories, which challenged the conceptual legal architecture for such institutions as the family¹⁵ and documented the privileged universal—read: white cis male—perspective of law.¹⁶ These insights, alongside those of the then-emergent queer studies,¹⁷ became key to the scholarship that

12. See Pedro A. Malavet, *Afterword - Outsider Citizenships and Multidimensional Borders: The Power and Danger of Not Belonging*, 52 CLEV. ST. L. REV. 321, 333 (2005); Francisco Valdes, *Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997) [hereinafter Valdes, *Poised at the Cusp*].

13. Francisco Valdes, *Theorizing “OutCrit” Theories: Coalitional Method And and Comparative Jurisprudential Experience-RaceCrits, QueerCrits, and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) [hereinafter *Theorizing “OutCrit” Theories*].

14. Francisco Valdes, *LatCrit: A Conceptual Overview*, LATCRIT.ORG, <https://perma.cc/LF2R-39ND> (last visited April 24, 2016).

15. Frances E. Olsen, *The Family and the Market: A Study of Ideology and Legal Reform*, 96 HARV. L. REV. 1497 (1983); see also MARTHA ALBERTSON FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY, AND OTHER TWENTIETH CENTURY TRAGEDIES* 230–33 (1995).

16. Robin West, *The Difference in Women’s Hedonic Lives: A Phenomenological Critique of Feminist Legal Theory*, 15 WIS. WOMEN’S L.J. 149 (2000) (arguing that women’s hedonic lives are different than men’s and that legal subjectivity does not reflect the experiences of women’s physiological connectedness); see also Christine Littleton, *Reconstructing Sexual Equality*, 75 CAL. L. REV. 1279, 1316 (1987).

17. See, e.g., Janet Halley, *Reasoning about Sodomy: Act and Identity in and After Bowers v. Hardwick*, 79 VA. L. REV. 1721 (1993); Francisco Valdes, *Queers*,

LatCrit academics have sought to expand and develop since then.¹⁸ During these past two decades, LatCrit theory therefore has embraced critical engagements of sex, gender, and sexuality, together with race, gender, and class, as interlocking categories and systems in programmatic terms. From LatCrit's inception, the alchemy of CRT, feminist, and queer contributions to knowledge and theory were integral to LatCrit conceptions of justice and praxis.

Indeed, at this point, perhaps the influence of critical race feminism—which occupied the space between feminist legal theory and critical race theory with new exciting insights and theoretical paradigms—might be seen now as especially insightful and enduring. Work on anti-essentialism and intersectionality by Angela Harris¹⁹ and Kimberle Crenshaw²⁰ converged with work on multidimensionality, multiplicity and political mobilization through knowledge production by Berta Esperanza Hernández-Truyol,²¹ Sumi Cho,²² Mari Matsuda²³

Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law & Society, 83 CAL. L. REV. 3 (1995) [hereinafter Valdes, *Queers, Sissies, Dykes, and Tomboys*]; Mary Anne Case, *Disaggregating Gender from Sex from Sexual Orientation: The Effeminate Man in Law & Feminist Jurisprudence*, 105 YALE L.J. 1 (1995).

18. “LatCrit theory may be understood as an effort to practice Queer ideals while employing CRT insights and tools”, combined with feminist methods and values. See, e.g., *Theorizing “OutCrit” Theories*, *supra* note 13, at 1305.

19. Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

20. Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color*, 43 STAN. L. REV. 1241 (1991).

21. See *Latinas, Culture and Human Rights: A Model for Making Change, Saving Soul*, 23 WOMEN'S RTS. L. REP. 21 (2001); *Out of the Shadows: Traversing the Imaginary of Sameness. Difference and Relationalism – A Human Rights Proposal*, 17 WIS. WOMEN'S L.J. 111 (2002); *Sex & Globalization*, 11 HARV. LATINO L. REV. 173 (2008); *The Gender Bend: Culture, Sex, and Sexuality – A LatCritical Human Rights Map of Latina/o Border Crossings*, 83 IND. L.J. 1283 (2008).

22. See *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*, 1 J. GENDER, RACE & JUST. 177 (1997); *Essential Politics*, 2 HARV. LATINO L. REV. 433 (1997); *Understanding White Women's Ambivalence Towards Affirmative Action: Theorizing Political Accountability in Coalitions*, 71 UMKC L. REV. 399 (2002); *Post-racialism*, 94 IOWA L. REV. 1589 (2009); *Intersectionality and the Third Reconstruction*, 5 FREEDOM CENTER J. 21 (2014).

23. See *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987); *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183 (1990); *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7

and others to articulate antisubordination criticality from a coalitional perspective. The result was a piercing interrogation of race, class, sex, gender, and sexuality as interlocking vectors of inequality in structural terms, which we have endeavored to continue and advance since then in both programmatic and individuated ways.

Finally, like CRT, feminist legal theory, and queer legal theory, LatCrit adopts a “critical” approach to law and legal liberalis. This critical approach is informed by its shared historical roots in the Critical Legal Studies.²⁴ However, like CRT²⁵ and feminist legal theory,²⁶ LatCrit is reflectively critical of the critiques of CLS around rights and, like the northern school of CLS,²⁷ LatCrit recognizes that even the most indeterminate rules tilt with some determinism toward the interests of power.

This rich and diverse rooting also includes not only a critical perspective but also a self-critical assessment of our shared pasts. Inevitably, LatCrit reflects both the strengths and *shortcomings* of critical outsider advances as they stood at that time, and as articulated by a Latina/o-identified perspective on U.S. law and society.²⁸ Molded

(1989); *Beyond, and Not Beyond, Black and White: Deconstruction has a Politics*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY 393 (Francisco Valdes et al. eds., 2002).

24. CLS is critical of the foundational tenants of Euro-American legal reasoning and its liberal ideology. Central to Critical Legal Studies, or CLS, is a critique of legal formalism and objectivism. See, e.g., Roberto Mangabeira Unger, *The Critical Legal Studies Movement*, 96 HARV. L. REV. 961 (1983) (a critique of the distinction between rules and standards); Duncan Kennedy, *Form & Substance in Private Law Adjudication*, 89 HARV. L. REV. 1685 (1976) (a critique of rights); Duncan Kennedy, *The Critique of Rights in Critical Legal Studies*, in LEFT LEGALISM/LEFT CRITIQUE 178 (Wendy Brown & Janet Halley eds., 2002) (for the claim that legal rules are indeterminate). See also Joseph Singer, *The Player and the Cards: Nihilism and Legal Reasoning*, 94 YALE L. J. 1. (1986); Joan C. Williams, *Critical Legal Studies: The Death of Transcendence and the Rise of the New Langdells*, 62 NYU L. REV. 429, 488–91 (1987) (discussing the origins and uses of “flipping” legal doctrines).

25. See Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies have what Minorities Want?*, 22 HARV. C.R.-C.L. L. REV. 301 (1987) (describing underlying reasons for the schism between CLS and CRT).

26. See Carrie Menkel-Meadow, *Feminist Legal Theory, Critical Legal Studies, and Legal Education or “The Fem-Crits Go to Law School”*, 38 J. L. EDUC. 61 (1988) (describing the divergences between feminist legal theorists and CLS).

27. See *id.* at 73 n.60. See also Morton J. Horwitz, *Santa Clara Revisited: The Development of Corporate Theory*, 88 W.V. L. REV. 173 (1985) (examining corporate legal personhood).

28. See generally *LatCrit at Ten*, *supra* note 9.

by a critical and self-critical assessment of history and experience, LatCrit theory, from its very inception, has thus been self-consciously devoted to practicing pioneering OutCrit commitments and techniques with integrity, as the review of our programmatic record below from the past two decades indicates.

In particular—and returning to the basics that ground us—LatCrit theorists have looked to CRT’s programmatic learning curve as our principal point of departure for knowledge-production in tandem with, or as, community-building, coalition-building, and institution-building. Not surprisingly, then, LatCrit theory has devised a conscious and critical self-conception similar, though not identical to, CRT’s.²⁹ Without doubt, however, CRT-related methodologies, stances, and emphases remain integral to the LatCrit production of knowledge through programmatic means, including: the social construction of identity, intersectionality, the vexed relationship of traditional legal scholarship to power and politics, the importance of embracing subjectivity, and the creation of a project of social justice and transformation.³⁰ These and similar important advances have been adopted and adapted programmatically by LatCrit theory to facilitate the progressive and enduring development of “big tent” incubators for OutCrit legal studies and networks since the mid-1990s.³¹

To this end, LatCrit programs have organized programmatic innovations combining notions like “rotating centers”³² with “shifting bottoms”³³ that recognize and center diverse marginalities in our

29. See Francisco Valdes, *PostColonial Encounters in the PostPinochet Era: A LatCrit Perspective on Spain, Latinas/os and “Hispanismo” in the Development of International Human Rights*, 9 U. MIAMI INT’L & COMP. L. REV. 189, 199 (2001).

30. Steven W. Bender & Francisco Valdes, *Afterword: At and Beyond Fifteen: Mapping LatCrit Theory, Community, and Praxis*, 22 LA RAZA L.J. 302, 308-09 (2011), jointly pub’d in 14 HARV. LATINO L. REV. 397 (2011) and 1 U. MIAMI RACE & SOCIAL JUST. L. REV. 177 (2012) [hereinafter *At and Beyond Fifteen*] (all citations herein correspond with the pagination in the La Raza Law Journal).

31. The “big tent” metaphor also helps to describe our approach to knowledge production and coalitional action more generally in the form of an “outsider academic democracy” that stands in contrast to the “imperial” traditions of the legal academy. See *id.*; see also 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 FIU L. REV. 187 (2008) [hereinafter Montoya & Valdes, “*Latinas/os” and Latina/o Legal Studies*”].

32. .See *At and Beyond 15*, *supra* note 30, at 314.

33. Athena Mutua coined the “shifting bottoms” metaphor “to suggest there are

programs in principled and ethical ways at different times and over time. This combination of rotating centers and shifting bottoms provides a framework for situating “different” social problems or populations at the center of our programmatic inquiries depending on situational factors that help to contextualize and ground our practices. In this way, diversely situated individuals and groups can and should take a leading role in exposing and combatting interlocking systems of injustice, while at same time recognizing that, depending on circumstances, a “different” outsider community might find itself “at the bottom”—as well as at the center.³⁴ This programmatic framing reminds us all and always that history, politics, and context define and determine “the bottom”—as well as the demands of equal justice praxis grounded in this mutual recognition.³⁵

But in addition to providing theoretical insight and operational grounding, innovations like rotating centers and shifting bottoms have also led to institutional practices that promote organic developments in the pursuit of critical knowledge and coalitional community as justice. Institutionally, conferences and colloquia have therefore remained notably mobile in their substance and form during these past twenty years—flexible, varied, shifting. This mobility is fueled in great part by the careful and conscious showcasing of new generations in programs, publications and projects, but this fluidity is also contoured by a constant and conscious effort to calibrate expansion and continuity.³⁶ Our programmatic goal is to engineer a shared, cross-group,

many groups that suffer from oppression and that they suffer differently: “[s]pecifically, Blacks are at the bottom (the most disadvantaged) of a colorized racial category, although there are other racial categories and perhaps, multiple racial systems. The bottom shifts among these categories and systems, often in relation to particular issues.” See Athena D. Mutua, *Shifting Bottoms and Rotating Centers: A Reflection on LatCrit III and the Black/White Paradigm*, 53 U MIAMI L. REV. 1177, 1177 n.2 (1999).

34. See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* (1992). Bell uses this term, however, to contrast the power and wealth of the ruling elite with the larger group of the economically and socially disadvantaged. See also Mari Matsuda, *Looking to the Bottom*, *supra* note 23 (arguing the people at the bottom, those who experience discrimination, should be the source of normative law); Jack Miles, *The Struggle for the Bottom Rung: Blacks vs. Browns*, THE ATLANTIC (1992), <https://perma.cc/ZKM7-F347> (discussing the Los Angeles riots and economic competition between Latinos and African-Americans, as well as attitudes about immigration).

35. See Mutua, *supra* note 33, at 1177.

36. See Mahmud, Mutua & Valdes, *supra* note 4.

transgenerational sense of progression through *streams of programming* that,³⁷ in conjunction with our other innovations and practices, (still) help to deepen our shared understanding of specific topics—a substantive and collective progression of understanding based on knowledge and experience that can (still) lead to collaborative and effective action against the systemic legacies of identity politics, both within the Academy and throughout society.

These mutually-reinforcing LatCrit commitments to mobile programming, emergent voices, and organic development of knowledge and community across difference and generation are also reflected—and accompanied—by a similar commitment to non-hierarchical arrangements in everything we undertake, including an explicit commitment to avoiding “*star system*” practices in our programmatic approach to knowledge production and community engagement.³⁸ These interrelated commitments to rising generations and against star-system practices entails a salutary epistemological shift from “imperial” academic traditions to a more cosmopolitan conception of “outsider democracy” that recognizes—and practices self-critically—the insights and imperatives of our own work and traditions.³⁹

The original legacies and early anchors for the development of LatCrit have thus incrementally produced an understanding of our own collective work in these social and structural terms. Rejecting the form and substance of imperial academic politics that replicate the hierarchies we denounce, LatCrit approaches to programmatic knowledge production are crafted to create safe, year-round “zones” for the *democratic* production not only of action-oriented knowledge, but also of *antisubordination* community and *coalitional* networks.⁴⁰ In

37. See Hernandez, Harris & Valdes, *supra* note 7, at 196-201 (on the ways in which this concept interplays with rotating centers and shifting bottoms); see also *supra* notes 31-37 and accompanying text (on same).

38. A no-star system fosters the inclusion of diverse voices and contributions. See Sylvia R. Lazos Vargas, “*Kulturkampf(s)*” or “*Fit(s) of Spite*”? : *Taking the Academic Culture Wars Seriously*, 35 SETON HALL L. REV. 1309, 1345 (2005).

39. See Montoya & Valdes, “*Latinas/os*” and *Latina/o Legal Studies*, *supra* note 31, at 219-247 (on LatCrit knowledge production as a democratic model); see also *At and Beyond Fifteen*, *supra* note 30, at 308-09.

40. See Montoya & Valdes, “*Latinas/os*” and *Latina/o Legal Studies*, *supra* note 31, at 222-28 (on LatCrit efforts to create safe “spaces” and “zones” through programmatic action).

an outsider academic democracy like the LatCrit community, scholarly enterprise programmatically values new critical voices, multidimensional identities, multi-perspectival analyses, antisubordination political commitments, and cross-disciplinary projects. For this reason, LatCrit approaches to programmatic knowledge production positively embrace “the notion [that] knowledge has changed radically in recent times and is now seen as social and contextual”.⁴¹

Thus, while not constituting any sort of a canon or attempt to develop a metanarrative, LatCrit theory—our knowledge-producing programs and resulting scholarship—has been and still is constructed, in part, through programmatic practices beckoned by the values, functions, guideposts, and postulates that have grounded us for all of these twenty years of knowledge producing projects.⁴² As outlined below, these early anchors still serve as substantive and structural grounding for our collective initiatives in community-building, coalition-building, and institution-building through LatCritical praxis.

Early efforts to conceptualize this jurisprudential experiment prompted an explicit collective listing of the following ten “non-negotiable *values*” describing the foundations of LatCrit theory, praxis, and community: intergroup justice, antisubordination, anti-essentialism, multidimensionality, praxis/solidarity, community-building, critical/self-critical, ethical, transnational, and interdisciplinary.⁴³

The four “*functions*” of LatCrit theory (and similar efforts) posited early on are: (1) the production of knowledge; (2) the advancement of

41. ÅSA GUNNARSSON, EVA-MARIA SVENSSON & MARGARET DAVIES, EXPLOITING THE LIMITS OF LAW: SWEDISH FEMINISM AND THE CHALLENGE TO PESSIMISM 1–15 (Åsa Gunnarsson ed., 2007).

42. *At and Beyond Fifteen*, *supra* note 30, at 304-11 (reviewing these interrelated concepts).

43. *Id.* at 305. For these and other reasons, LatCrit theorists describe and define the sum total of our efforts as a collective commitment to practice critical “outsider democracy” as a form of rebellious knowledge-production and antisubordination academic activism. *Id.* at 308-09. Of course, this still-developing conception of LatCrit theory, community, and praxis as a form of outsider democracy dedicated multidimensionally to social and systemic justice remains, as always under construction. *See, e.g.*, Francisco Valdes, *Foreword: Under Construction, – LatCrit Consciousness, Community, and Theory*, 85 CAL. L. REV. 1087 (1997) [hereinafter Valdes, *Under Construction*].

social transformation; (3) the expansion and connection of antisubordination struggles; and (4) the cultivation of community and coalition, both within and beyond the confines of legal academia in the United States.⁴⁴

And the seven “*guideposts*” accompanying these values and functions are: (1) Recognizing and Accepting the Political Nature of Legal “Scholarship” Despite Contrary Pressures; (2) Conceiving Ourselves as Activist Scholars Committed to Praxis to Maximize Social Relevance; (3) Building Intra-Latina/o Communities and Inter-Group Coalitions to Promote Justice Struggles; (4) Finding Commonalities While Respecting Differences to Chart Social Transformation; (5) Learning from Outsider Jurisprudence to Orient and Develop LatCrit Theory and Praxis; (6) Ensuring a Continual Engagement of Self-Critique to Stay Principled and Grounded; and (7) Balancing Specificity and Generality in LatCritical Analysis to Ensure Multidimensionality.⁴⁵

Together, these concepts and propositions are designed to create a framework for purposeful and collaborative action to produce antisubordination knowledge, both individually and programmatically. However—and perhaps predictably—these functions and guideposts have led us, experientially, towards four supplementary “*postulates*” that collectively and continually help to frame and inform the development of LatCrit consciousness based on the shared work and lessons of the past twenty years. The first postulate is simple: that our shared goal is a post-subordination society. The second postulate turns to execution: to get there from here, we need to generate transformative change at both micro and macro levels of human life and interaction. More specifically, the third postulate reaffirms a fundamental LatCrit conviction: that we need principled and proactive critical coalitions to produce post-subordination gains at both the micro and macro levels of transformation. The fourth postulate concludes with a similar reaffirmation of established LatCrit imperatives: that only shared substantive principles and principled practices, explicitly stated and critically applied as summarized below, can provide a sufficiently

44. For an early articulation, *see id.* at 1093–94 (1997).

45. *See At and Beyond Fifteen, supra* note 30, at 306–08 (for elaboration on these guideposts).

sturdy foundation for critical coalitions capable of resisting any devolution toward mere interest-convergence. These postulates, as an extension of our values, functions and guideposts, now help set the stage for a third decade of principled solidarity in LatCrit theory, community and praxis through programmatic knowledge production and coalitional academic activism.

We hope with this summary of values and related anchors help to illuminate the design of our programmatic knowledge production over the past two decades. Specifically, and as elaborated more fully below, this summary shows the LatCrit portfolio of projects to be a principal vehicle for LatCrit theorizing and/as coalitional programmatic knowledge production. And yet this summary further helps to show how the portfolio in turn is itself already a product of OutCrit theory and theorizing. This summary encapsulates the ways in which critical theory informs coalitional action—and action theory—in LatCrit projects, including those that we discuss below.

It is precisely because LatCrit planning and praxis have paid close attention both to coalitional knowledge production and to its programmatic production that we have collectively been well-positioned to develop institutional projects that fuse theory and action as central to anti-subordination academic practice.⁴⁶ It bears noting that the portfolio of LatCrit projects in itself represents and channels the principled performance of the four functions of LatCrit theory, which continually configure and combine knowledge, action, community, and coalition: the *production of knowledge* through the LatCrit Biennial Conference, the South-North Exchange (“SNX”), the LatCrit Study Space Project, and the related LatCrit symposia⁴⁷ have, at the same time, promoted the creation of safe spaces and eventually, zones for collaboration and discussion that foster coalitional ideas, communal relationships, and new collective projects, thereby *interconnecting justice struggles* across varied categories of difference.⁴⁸

46. *At and Beyond Fifteen*, *supra* note 30, at 313; *see also* *Rebellious Knowledge Production*, *supra* note 8, at 153–54.

47. *See* *infra* parts II.B and III.A; *see also* *Portfolio of LatCrit Projects*, LATCRIT.ORG, <https://perma.cc/NP3Y-UBH5> (last visited May 17, 2016).

48. *See* Montoya & Valdes, “Latinas/os” and *Latina/o* Legal Studies, *supra* note 31, at 231–48 (on LatCrit creation of safe spaces and zones).

But the LatCrit commitment to praxis in the service of building a world that is free of subordination also has led to the growth of other projects in the portfolio that look beyond the United States or its legal academy, like the South-North Exchange on Theory, Law, and Culture (SNX) and the Study Space Seminar (SSS), and LatCrit's NGO Consultative Status with the United Nations, our Amicus Appearances in critical litigations, and other global projects described below.⁴⁹ Whether focused on the U.S or broader in scope, projects like these are designed to apply the lessons of critical theory to social action—as well as to generate theory from practice and experience—towards *the advancement of social transformation* in local and global terms. Working through various projects in our portfolio, this South-North collaboration on community-building, again in tandem with knowledge production, has been designed to disrupt traditional colonial and neocolonial hierarchies of power and knowledge; to date, these programmatic efforts have yielded thirteen meetings of the SNX, six of the International and Comparative Law Colloquium (“ICC”), seven of the Study Space Seminars and three of the Critical Global Classroom.⁵⁰ Indeed, the persistent and programmatic *cultivation of community and coalition* among outsider formations and communities—both in the Global North and the Global South—is perhaps one of the most salient and important attributes of LatCrit endeavors during the last twenty years,⁵¹ as we discuss in more detail below.

Next, however, we review the past two decades of LatCrit scholarship and programmatic knowledge production through the various projects and publications introduced above. Our key aim is to show the interrelationship of knowledge, community, and coalition in the context of LatCrit theory and programmatic knowledge production during these past twenty years. Our hope is that a robust understanding of the method behind the record will strengthen our collective capacity for more of the same as we approach a third decade of LatCrit theory, community and praxis.

49. See *infra* part III; see also *Portfolio of LatCrit Projects*, *supra* note 42.

50. See *infra* Charts B, C, and D.

51. See Valdes, *Under Construction*, *supra* note 43, at 1093-94; see also *infra* Part III.

III. LATCRIT AND/AS SCHOLARSHIP: GALVANIZING TWO DECADES OF PROGRAMMATIC KNOWLEDGE PRODUCTION

As this account indicates,⁵² the LatCrit experiment proceeded intellectually in the mid-1990s from the baselines then established chiefly by critical race theorists and critical race feminists.⁵³ We proceeded from the understanding that “identity” is always a constitutive element of law and policy, and that multiple identities are always implicated in the adoption and imposition of any particular legal or policy regime. We acknowledged the centrality and relevance of “difference” in the understanding of the multiple identities embodied by all individuals—and messily present in every social group. We embraced the antisubordination principle as a normative anchor and substantive successor to the anti-discrimination principle, as elaborated by outsider scholars in previous years. We took up the ongoing interrogation of existing socio-legal identities, as constructed over time, to pursue the insights of intersectionality, anti-essentialism, and multidimensionality. We accepted that social justice, in the form of systemic and cultural transformation, was the ultimate marker of relevance in the articulation of theory and the production of knowledge. In short, we grounded the substantive insights and gains of “OutCrit”⁵⁴ theorizing as they stood at that time, and endeavored both to develop and apply them in light of ongoing, accumulating experience. We have thus understood and appreciated that, from an anti-subordination perspective, critical self-reflection on our praxis as

52. *See supra* Part I.

53. From the very beginning we have understood and embraced the fact that LatCrit positionalities “evidence the intellectual and political debt that LatCrit theorizing owes [specifically] to Critical Race theorists.” Valdes, *Poised at the Cusp*, *supra* note 12, at 56.

Indeed, the methodologies, stances[,] and emphases voiced by [early LatCrit] authors consistently employ the pioneering work registered during the past ten years in Critical Race legal discourse: the embrace of subjectivity, particularity, multiplicity[,] and intersectionality; the acceptance of legal scholarship’s inevitable implication of power politics; the emphasis on praxis, social justice, reconstruction[,] and transformation; the navigation of sameness and difference to build self-empowered communities; and the recognition of self-critique’s continuing importance to intellectual integrity . . .

Id. at 56-57.

54. *See Theorizing “OutCrit” Theories*, *supra* note 13, at 1270.

scholar-activists has to be constant and mutual to avoid the perils of generating a discourse that, over time, produces little more than elegant texts.⁵⁵

Since the mid-1990s, as this account only outlines, this loose-knit, far-flung, and multiply diverse community of scholars has conceived and conducted about forty-five academic gatherings, usually with an accompanying published symposium, in the programmatic pursuit of these values anchored in, through, and by scholarship.⁵⁶ Therefore, in the first instance, knowledge production (and dissemination) is a lived, shared, programmatic experience for the diverse groupings that gather at the LatCrit conferences and related events.⁵⁷ And to guide these shared experiences, we developed and named programmatic practices—like “rotating centers” and “streaming” of program events that recognize “shifting bottoms”—and which in turn, help to lend LatCrit conferences a distinctive flavor, both in substance and in style.⁵⁸ But from the very beginning, we also published “proceedings” in partnerships with law reviews around and beyond the U.S., first in the form of edited, transcribed “oral essays” and, within a few years, of varied short essays “inspired” by the conference experience. In both cases—and starting with the first LatCrit conference—the product was a published symposium designed to make that knowledge accessible to the world at large.⁵⁹

The account below of LatCrit and/as scholarship is therefore manifestly a tale both of individuated effort and programmatic, collective action mindful of these values, as well as of the inter-related LatCrit functions, guideposts, and postulates sketched above that have

55. See generally Francisco Valdes, *LatCrit 2013 Conference Symposium Afterword: Theorizing and Building Critical Coalitions: Outsider Society and Academic Praxis in Local/Global Justice Struggles*, 12 SEATTLE J. SOC. JUST. 985 (2014) [hereinafter *Building Critical Coalitions*].

56. LatCrit programs and publications are listed on the community website; see LATCRIT.ORG, <http://www.latcrit.org> (last visited May 18, 2016).

57. In addition to the conference, we also conduct the annual Faculty Development Workshop in partnership with the Society of American Law Teachers (SALT) and various institutional events, including our Annual Board Meeting. See LATCRIT.ORG, <http://www.latcrit.org> (last visited May 18, 2016) for more information on LatCrit and our operations.

58. For more on these and similar innovations, see *supra* notes 31-48 and sources cited therein; see also *Building Critical Coalitions*, *supra* note 55, at 1302-05.

59. For more on this history, see *id.* at 1305-06; see also *Symposium Submission Guidelines*, LATCRIT.ORG, <https://perma.cc/Z5YB-PFVL> (last visited May 17, 2016).

also helped to anchor the past two decades of knowledge production.⁶⁰ As with so much else that constitutes the record of LatCrit @ XX, the body of scholarship brought into existence during these past twenty years and surveyed below is the organic product of “personal collective praxis”⁶¹ in the form of consistent, sustained, programmatic action designed to nurture and interconnect the OutCritical initiatives of diverse individuals across borders, identities, disciplines and decades.

A. *LATCRITICAL ADVANCEMENT OF OUTCRIT THEORIZING: A FEW SUBSTANTIVE HIGHLIGHTS*

From the substantive baselines formed by the cumulative insights of critical outsider jurisprudence up to the mid-1990s, the LatCrit community proceeded to make its own intellectual contributions in the ongoing elaboration of critical and outsider, or OutCrit, scholarship from within the legal Academy of the United States. These intellectual contributions, of course, may be framed in a number of different ways and levels of description. However, we identify below a handful of general contributions of LatCrit knowledge production toward the continuing advancement of OutCrit theorizing as being among the most germane to the politics of justice at this historical junction.⁶²

1. Latina/o Identities and Diversities

The first of these is the elaboration of “Latina/o” identity as a multiply variegated category. In the early years of our knowledge-production projects, we embarked on collective and programmatic investigations of ethnicity, religion, language, immigration, and similar constructs to better understand, and to underscore, the intra-group diversities of “Latina/o” populations, specifically—but not only—in the United States. These collective investigations sparked not only vigorous debate and searching inquiry, but also exposed the fallacy of the “essentialized” Latina/o employed in mainstream venues to make law and policy regarding “Latinas/os.” These investigations

60. *See supra* notes 42-48 and accompanying text (on these interrelated concepts).

61. For more on “personal collective” praxis and its salience in the production of LatCrit theory, *see* Hernández-Truyol, Harris & Valdes, *supra* note 7, at 194-96.

62. This account is abbreviated from Hernández-Truyol, Harris & Valdes, *supra* note 7, at 187-93, which should be consulted for authorities.

demonstrated and documented key demographic facts, including that not all Latinas and Latinos are Hispanic; that not all Latinas and Latinos are Roman Catholic; that not all Latinas/os speak Spanish, or want to; and that not all Latinas/o live in the United States due to immigration. Conversely, these investigations showcased the complexities and diversities of Latina/o communities in terms of race and ethnicity, religion, culture, imperialism and colonialism, language and its suppression, class, and immigration status. These investigations, in short, de-centered uncritical assumptions that all Latinas/os fit predominant stereotypes—assumptions that skew law and policy to the detriment of multiply diverse Latina/o communities.

2. Intra/Inter-Group Frameworks

Secondly, LatCrit theorists have sought to advance critical outsider jurisprudence by developing and calling for analyses and projects that encompass both intra-group and inter-group issues; in other words, analyses and projects that promote both intra- and inter-group understanding. This approach to scope has facilitated a more detailed and accurate mapping of the patterns formed across groups by the particularities reflected in each, and invited comparative inter- and intra-group study of common categories like “race” or “culture” that are relevant to the subordination of “different” social groups. Over time, this effort has helped produce a better comprehension and critique of the interlocking nature of the “different” systems of subordination that jointly and severally keep existing identity-related hierarchies of injustice and inequality in place both within and across cultures.

3. Internationalism and Critical Comparativism

In addition, LatCrit knowledge-production projects consistently have emphasized critical approaches to internationalism and comparativism in the on-going evolution of outsider jurisprudence from the U.S. legal academy in programmatic and collective terms. Transcending “domestic” constructions of race, ethnicity, and other categories relevant to law and policy, this expansion has helped not only to deepen and broaden critical and comparative understandings of those categories as exercises of systemic power, but have also helped expose how those “different” exercises of power, using the “same” categories, are tailored in myriad ways to local circumstances and

varied regions or locales. This third contribution, akin to the effort to examine law and power in cross-group contexts, has helped bridge what used to be a gulf between the “local” or “domestic” and the “global” or “foreign” in critical outsider jurisprudence.

4. Counter-Disciplinarity

A fourth contribution we have endeavored to make during the past twenty years toward the broader project of critical outsider jurisprudence is to push for greater interdisciplinary, or counter-disciplinary, texts, programs, projects and programs. This emphasis on inter—or counter—disciplinarity, like the cross-group and internationalist initiatives of the past two decades, aims to refine and develop the core categories or concepts of critical outsider jurisprudence as previously mapped out. The proactive effort to make other disciplines integral to the elaboration of LatCrit theory, while not always successful, has helped both to bolster and to texture our approaches to and understandings of “identity” as a legal tool of power deployed for particular purposes in particular places at particular times.

5. Class and, not or, Identity

A fifth basic contribution is our collective and programmatic insistence that “class” and “identity” not be cast as oppositional categories of analysis and action and, instead, be understood as “different” identitarian dimensions of the interlocking systems of oppression always under interrogation in OutCrit analyses. This approach, in other words, emphasizes that “class” is, itself, an axis of sociolegal identity and that, as such, it must be incorporated into intersectional and multidimensional analyses of structures, systems, and power in law and society. This approach has tempered the influence of dichotomies between “discursive” and “material” aspects of power and injustice based on identity politics in LatCrit scholarship, and has positioned us to better understand how class and other forms of identity are mutually constitutive and mutually reinforcing, both in law and in society.

These lines of inquiry of course delve into areas that also have occupied the attention of antsubordination scholars of many stripes, both before and during the past twenty years. And we recognize also, as noted throughout this account, that these contributions accumulate in

the form of both individual texts as well as collective publications or programmatic actions. But, with this conceptual and theoretical template of some knowledge-production highlights as background, we can step back and better discern how each LatCrit conference program and each conference theme represented a deliberately placed building block in our collective efforts to construct a sturdy antisubordination jurisprudence through the amalgamation of theory, praxis, and community. The outline of conferences below thus indicates how LatCritters have distinctively and collaboratively pursued these and other lines of inquiry during the past two decades in programmatic terms as a collective commitment to the values, functions, guideposts, and postulates helping to ground and animate our shared work since 1995.⁶³

B. PROGRAMMATIC KNOWLEDGE PRODUCTION: THE LATCRIT CONFERENCES, 1996-2015

The first half of the first decade, as reflected in the conference themes of the first five LatCrit conferences, shows how we have proceeded programmatically as an expression of our substantive commitments to theory, praxis, and community.⁶⁴ The first conference in San Diego focused on Latina/o pan-ethnicity, questioning conceptions of intra-Latina/o sameness and difference to help dislodge essentialized notions of this social group and exploring the similarities and differences that might affect intra-group coalitions and communities. The next year in San Antonio, we followed up with a direct focus on difference, coalition, and community in the LatCrit II conference, which expanded the focus of our inquiry from intra- to both intra- and intergroup contexts. Having “rotated the center” from intra- to intergroup issues in the first two years, we “streamed” this basic focus during the following two years: at LatCrit III in Miami we thematized the notion of “comparative Latinas/os” to build on the first two years of inquiry regarding intra- and intergroup issues, while the following year,

63. As noted earlier, our first programmatic event was the 1995 Colloquium in San Juan on Latina/o communities and Critical Race Theory, where the “LatCrit” moniker was coined during the first few of many late communal nights to come in the two decades since. See Hernandez-Truyol, Harris & Valdes, *supra* note 7, at 183-84. As a result of this 1995 event, the LatCrit conferences started up the next year. *Id.*

64. See *supra* notes 42-48 and accompanying text (on LatCrit values, functions, guideposts, and postulates).

at LatCrit IV in Tahoe, we followed up on those efforts by focusing specifically on “marginal intersections.” Both of these themes aimed to center categories— based on race, ethnicity, nationality, religion, sexuality, sexual orientation, gender or other typically problematized aspects of identity and on their complex interplay—that oftentimes are erased in policymaking, and even in “Latino” studies. Finally, we concluded the first half of the first decade in Denver by turning our collective programmatic attention in LatCrit V to the relationship of “class” identity to other forms of identity. Year by year, then, collectively we endeavored to produce a more intersectional, interconnective, and multidimensional understanding of identity’s relationship to systems of social power and material injustice, both historically and presently.

The conference themes during the next five years illustrate how we then endeavored to build on the identity-focused explorations of those first five years with expanding programs that served both to further “rotate the center” of our programmatic inquiries as well as to sustain multi-year “streams” of programming focused on topics from the first five years, thereby helping to foster both continuity and progression in substantive, collective and programmatic terms during that first decade. In Gainesville, for example the LatCrit VI conference theme turned our attention squarely to South-North issues and interconnections, thus centering our commitment to internationalism and comparativism, while the next year, at LatCrit VII in Oregon, we focused on social movements as a category of study to better understand our own enterprise. The following year, the LatCrit VIII conference in Cleveland then centered “the city” to underscore the structural and material settings that house and frame so many within the populations we seek to help self-empower. Reflecting the zeitgeist of these times, we thematized *kulturkampf*, or “culture warfare”, in Philadelphia at LatCrit IX the subsequent year, thus investigating collectively the larger societal dynamic prevailing during our own formative years. Finally, at LatCrit X in San Juan, we returned to the relationship between material hierarchies, identity politics, and legal injustice, underscoring our commitment to analysis and action that recognize and treat “class” issues intersectionally in relation to other axes of identity. Whether viewed as a progression of ten steps, or as two sets of five steps each, the conference themes of the first decade illustrate how this community has endeavored programmatically to apply the lessons learned from

prior jurisprudential experiments and to sustain and advance antiracism knowledge and solidarity with and through LatCrit theory and praxis.

The second decade has continued this substantive and programmatic attention both to continuity and to progression in LatCrit knowledge production, as the conference themes of the most recent ten years also make plain. At LatCrit XI in Las Vegas, we took our venue's function as a "global playground" to examine the connection of the local to the global in material, structural, and identitarian terms, while the following year at LatCrit XII in Miami, we turned our programmatic attention squarely onto the processes of knowledge production to help us examine our own evolving work.

The following year began a three-year engagement of the interplay between power, identity, justice, and electoral democracy linked mostly, but not exclusively, to current events and U.S. politics, aiming to help connect critical outsider theory to the politics of law and lawmaking. At LatCrit XIII in Seattle, we focused on identity, representation, and access to elections; at LatCrit XIV the next year, in the nation's capital, we then turned to the consequences of elections as we centered the new policy-making potentialities put on history's table by the impending inauguration of the nation's first non-white President. The following year in Denver, at LatCrit XV, we returned to class, thematizing the color of the economic "crisis" that he inherited—and which continues to impoverish disproportionately nonwhite communities. At LatCrit XVI in San Diego, we expanded this stream of programming, focusing on current events and trends in relationship to "global justice" in theoretical, material, and historical—yet forward-looking—terms. While not structured like the first decade into two relatively discernible halves, the first six years of the second decade thereby displayed a similar substantive concern for sustainability and solidarity—for continuity as well as progression in our collective, programmatic efforts: even as we focused increasingly on current events and reconstructive possibilities, we also continued in these years to center the relationship of power to identity and hierarchy in law and society.

At this point in our ongoing history of programmatic knowledge production, the annual conferences became *biennial*, mostly in recognition of the rich calendar and infrastructure of similar gatherings that had emerged during the previous half dozen or so years. We

support(ed) and welcome(d) these kindred initiatives as salutary signs of the expanding vitality that animates OutCrit networks, even as LatCrit itself approaches our third decade of theory, praxis, and community.⁶⁵ And since implementing that scheduling switch, two biennial LatCrit conferences have convened to close our second decade alongside this growing roster of OutCritical projects and programs.

Reflecting the accumulation of shared knowledge and critical understanding over the preceding years and programs, each of our two biennial conferences thus far centered current issues relating to systemic injustice that, not coincidentally, also advanced our preceding streams of inquiry into power, identity, and democracy: LatCrit 2013 in Chicago, which was dedicated to enabling intellectual and social resistance to neoliberal power politics, and, now, LatCrit 2015 in Anaheim, which focused on developing critical and progressive approaches to U.S. constitutional politics, again to help enable resistance and reconstruction. The multi-year interconnection of identity politics, democratic injustice, and systems of power, illustrated by the scope and progression of these conference themes and programs during our second decade of collaborative and coalitional knowledge production, confirms that today, as before, the LatCrit community remains mindful of the values, functions, guideposts, and postulates that have helped both to anchor and expand our programmatic efforts and the resulting body of scholarship since the mid-1990s.

As a result of much collective imagination and industry, these twenty years of conference themes and programs have additionally produced about fifty law review symposia featuring the work of hundreds of individual scholars, usually, but not always, in conjunction with a programmatic event.⁶⁶ The depth and breadth of these conferences and their related symposia therefore illustrate key and basic LatCritical priorities or convictions related to knowledge production through programmatic, collective action. Crucially,

65. For more on this recent history, see *Building Critical Coalitions*, *supra* note 55, at 985-94.

66. Each of these symposia, therefore, is an organic snapshot of the community of individuals able to participate that year in the conference and contribute to the published symposium. For an ongoing listing of LatCrit symposia, see *List of Published Proceedings*, LATCRIT.ORG, <https://perma.cc/QMC4-PYK4> (last visited May 18, 2016); see also *The LatCrit Scholarship Research Toolkit*, LATCRIT.ORG, <https://perma.cc/MM6D-YFRR> (last visited May 18, 2016).

however, these programmatic actions are consciously designed to produce not only knowledge but also community—an activist, scholarly community of difference, able to act in solidarity precisely because of mutual and principled insights, commitments, and aspirations generated progressively through these very actions and shared experiences.⁶⁷ These programs and publications, in other words, are crafted both to help develop common substantive baselines among the diverse individuals who comprise the LatCrit community as well as to support the existing, wide-ranging scholarly agendas of those diverse individuals. At the same time, they help to foster relations of mutual trust and collaboration across difference toward collective action based precisely on those common substantive baselines. The complex set of goals underlying the conferences and symposia ensure that they will remain works-in-progress for as long as they continue, but the record of the first two decades outlined above at least shows that scholars of color in the legal Academy of the U.S. can envision, plan, initiate, and sustain deliberate programmatic action and collective solidarity, even in the midst of reactionary backlash and neoliberalized austerity within both Academy and society.⁶⁸

As this brief mapping shows, our programmatic efforts and resulting scholarship have retained our original focus on identity (including class), difference, and solidarity in social justice praxis—including the praxis of knowledge production in the form of OutCrit legal scholarship. But this mapping also shows a deliberate and deliberative programmatic progression beyond our original focus—a combination of knowledge expansion through “rotating centers” of inquiry to center “shifting bottoms” while also fostering substantive continuity through “streams of programming” that inter-connect collective lines of inquiry to deepen shared understandings of systemic subordination based on common knowledges and despite many differences. Recalling the jurisprudential baselines from which we proceeded in the mid-1990s, these past twenty years underscore the important ways in which programmatic collaboration can galvanize and advance critical and outsider legal studies, networks, and agendas.

67. *See supra* Part I.

68. *See At and Beyond Fifteen, supra* note 30, at 317-30 and *Coming Up, supra* note 3, at 548-56; *see also* Mahmud, Mutua & Valdes, *supra* note 4, at 374-82 (discussing the social effects of continuing cultural warfare as well as the effect of neoliberal academic austerity on LatCrit/OutCrit formations and prospects).

It is this tailored employment of programmatic techniques and innovations from year to year, incrementally generating collective knowledge and interlinked scholarship, that produced the LatCrit record sketched above.

Of course, much social justice work remains to be done, and always will remain, as “old” problems morph into “new” injustices that reify the same identity politics entrenched across this country (and others) since colonial eras. From a LatCritical perspective, the challenge in striking the balance between continuity and expansion to achieve collective progression in our programmatic work is to remain grounded at all times in our shared principles and aspirations, even as we become evermore nimble in our institutionalized projects and related publications. At the cusp of a third decade, the scope and sharpness of our programmatic initiatives must match—or exceed—the complexity and multiplicity of systemic injustice that increasingly knows no bounds, both within and beyond the United States.

If the conference themes and related symposia outlined above were the entire record, they thus would put on display a markedly inward and perhaps parochial skew—the portrait of a U.S.-centric enterprise framing its lines of inquiries to mirror its nation-state of origin despite its avowal of international and comparative approaches to theory, praxis, and community. But the conferences and related activities outlined above are not the entire record of LatCritical approaches to knowledge production through programmatic action. During these same two decades we simultaneously and affirmatively have pursued the original LatCrit commitment to connect understandings of local particularities to global patterns through academic events and publications. Our transnational events and publications are likewise designed to produce the same goals as the conferences and symposia—knowledge and community, and community solidarity through shared knowledge—but specifically and squarely in hemispheric and global framings. These border-crossing efforts, which are designed to convene outside the U.S. in diverse locations, ideally help, over time, to create multilateral pipelines for increasingly globalized participation in our conferences and entire Portfolio of Projects⁶⁹ and an increasingly globalized community of

69. The LatCrit Portfolio of Projects is organized into three “baskets”—one devoted specifically to international programmatic initiatives—designed to be mutually

academic activists who are ready, willing, and able to act in principled solidarity toward a post-subordination society in varied locations and settings. To help complete this sketch of LatCrit scholarship through programmatic knowledge-production since 1995, our continuing efforts to globalize OutCrit legal studies are therefore outlined next. As this sketch helps to illustrate, our programmatic initiatives have consistently combined “domestic” and transnational endeavors to advance from the outset our shared and articulated values, functions, guideposts, and postulates.

IV. LATCRIT AND/AS GLOBALISM: PROGRAMMING TWO DECADES OF CRITICAL BORDER CROSSINGS

While based in the legal academy of the United States and influenced principally by U.S.-based legal developments, LatCrit scholars have looked beyond nation-state borders from the outset.⁷⁰ Early on, we set out to 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—1996.⁷¹ We did so because our intellectual and experiential subject positions up to that point had already 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 across—or without—borders for the longer term?

From the earliest years, LatCrit and allied scholars have therefore experimented with programmatic initiatives, like the International and Comparative Law Colloquium (ICC)⁷² and the Critical Global Classroom (CGC),⁷³ to give institutional, collective expression to

reinforcing in intellectual, human, and political terms. *See Building Critical Coalitions*, *supra* note 55, at 988. *See generally* Montoya & Valdes, “*Latinas/os*” and *Latina/o Legal Studies*, *supra* note 31.

70. *See* Hernandez-Truyol, Harris & Valdes, *supra* note 7, at 204-08.

71. *See infra* Charts A and B, respectively.

72. *See* LatCrit Portfolio of Projects, LATCRIT.ORG, <https://perma.cc/6PK9-X2EU> (last visited May 18, 2016).

73. *Id.*

internationalism and comparativism in/as LatCrit theory and knowledge-producing praxis. The ICC helps U.S.-based LatCrit scholars connect with likeminded scholars based in other regions on issues of common interest to social justice advocates, as Chart B illustrates.⁷⁴ The CGC aimed to provide critical, progressive students better access to outsider jurisprudence and to each other.⁷⁵ Both endeavor to help foster communities of solidarity rooted in antisubordination knowledge and action. Nonetheless, reflecting our origins, circumstances, and limitations, our earliest efforts on balance were both U.S.- and law-centric. Despite programmatic initiatives like the ICC and CGC, the projects in our community Portfolio experiencing the most traction seemed to be those most closely related to the U.S. and to law as a discipline, like our original, flagship projects—the Annual LatCrit Conference (ALC) and related events.⁷⁶

Yet we persisted. Through ups and downs and twists and turns, we have proactively engaged our collective limitations in the cultivation of critical approaches to “hemispheric justice studies.”⁷⁷ Over time, our original commitments and early efforts allowed us to cross-pollinate projects that are U.S./law-centric with those that are more proactively centered on 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 U.S. and beyond, set the stage for the next round of programmatic knowledge-producing initiatives—and challenges—to cross-border legal studies across this hemisphere and beyond.

74. See *infra* Chart B for ICC program themes.

75. See Francisco Valdes, *Insisting on Critical Theory in Legal Education: Making Do While Making Waves*, 12 BERKELEY LA RAZA L. REV. 137 (2001) [hereinafter *Making Do While Making Waves*].

76. See *supra* notes 64-69 and accompanying text (on early “domestic” LatCrit conferences and related knowledge production projects).

77. See *infra* note 90-94 and accompanying text (on this concept and its framing).

A. *SOUTH-NORTH FRAMINGS IN LATCRITICAL KNOWLEDGE
PRODUCTION: SOME PROGRAMMATIC HIGHLIGHTS*

Since the mid-1990s, our international projects have coalesced into a “basket” of four programmatic initiatives.⁷⁸ 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 programmatic innovations: 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, networks, 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.⁷⁹ In addition, as the 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 on, and of, theory, law, and culture, and 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.⁸⁰ Meeting in diverse locations of this hemisphere during the past decade ranging from San Juan to Santiago, the SNX returned to Santo Domingo in 2016, having already helped both to spark critical approaches to international and comparative studies—especially those focused on the Americas—as well as to incrementally connect likeminded scholars steadily aiming to foster the intellectual and academic conditions necessary for new collaborative projects.⁸¹ Over time, and as with the LatCrit approach to programmatic knowledge

78. See *Coming Up*, *supra* note 3, at 532-533 (summarizing the decision-making process and results).

79. See *South-North Exchange*, LATCRIT.ORG, <https://perma.cc/777V-VEV6> (last visited May 18, 2016)

80. See *infra* Chart C for SNX programs and related publications.

81. The SNX will next convene during the summer of 2016 in Santo Domingo to focus on sexuality and gender in hemispheric frameworks and to highlight the policy leadership of Global South societies in the hemisphere. See *2016 Conference Registration*, LATCRIT.ORG, <https://perma.cc/YC4S-QY7R> (last visited May 18, 2016).

production generally, this project aims to nurture not only a discourse but also a network of critical scholars able to enhance our individual and collective knowledge production capacities and effects through collaborative social justice praxis.⁸²

Developed even more recently, the Study Space Seminar is another programmatic innovation similarly designed to cultivate both community and knowledge across location, identity, and discipline.⁸³ This project assembles a relatively small number of academics, students, and activists for a week-long immersion work-shop convened in rotating cities around the world in order to study those locations as human habitats.⁸⁴ Reflecting our attention to the Americas, between 2007 and 2015 the SSS convened in seven different locations across the hemisphere to examine Panama City, Panama; Bogota and Medellin, Colombia; Denver, Colorado, USA; Rio de Janeiro, Brazil; La Habana, Cuba; and, most recently, Guatemala in the summer of 2015.⁸⁵ This project thereby aims to synthesize the formal study and experiential understanding of material realities, as well as 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 socioeconomic classes intersects with white supremacy, patriarchy, homophobia, and other identity-based neo/colonial ideologies in particular locations.⁸⁶ Over time, these rotating seminars effectively produce a map of varied locations with remarkably similar commonalities amidst their many complexities and intricacies—a map of law, power, identity and in/justice—showing both systemic specificities and structural commonalities. Over time, this project, like and with the ICC, CGC, SNX and other LatCrit

82. See Montoya & Valdes, “Latinas/os” and *Latina/o Legal Studies*, *supra* note 31, at 237-38 (on the purposeful synergies that explain the design and organization of our programmatic work as a community portfolio of projects).

83. See *LatCrit Portfolio of Projects*, LATCRIT.ORG, <https://perma.cc/6PK9-X2EU> (last visited May 18, 2016).

84. See Francisco Valdes, *Foreword: Interruptions and Intersections: Journeys to the Center of the Americas*, 4 TENN. J.L. & POL’Y 167 (2008).

85. See Chart D, *infra*, for Study Space programs and publications.

86. *Id.*

endeavors, helps to cultivate a sense of activist academic community across multiple borders and disciplines based on shared substantive commitments to a post-subordination social reality. As with other LatCrit programmatic efforts to produce knowledge, these border crossings are crafted to also produce community and solidarity rooted in antisubordination principles and antiessentialist practices.

In other words, each of these projects aims to provide a “safe space” for the incubation of interAmerican justice networks, studies, and actions. And the four cumulatively aim to provide a year-round “zone” of safety where these diverse networks, discourses, and efforts can meet, grow, and strengthen. This type of collective personal praxis to programmatically produce knowledge has been a LatCrit hallmark since the mid-1990s.⁸⁷ This distinctive combination of individual and communal knowledge production has been, as method, a key and continuing contribution of the LatCrit community to the sustainability and advancement of OutCrit studies and networks more generally.

As with our U.S.-based conferences, these four internationalist and comparativist projects are additionally designed to produce and disseminate knowledge programmatically, 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.⁸⁸ During the past twenty years, these internationalist/comparativist projects and programs, together with our “domestic” projects, have yielded about fifty 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.⁸⁹ Cumulatively, the hundreds of authors who have

87. See generally Montoya & Valdes, “Latinas/os” and Latina/o Legal Studies, *supra* note 31, at 222-41 (explaining the notion and role of “spaces” and “zones” in LatCrit approaches to collective and programmatic knowledge production); see also Mahmud, Mutua & Valdes, *supra* note 4, at 382-90.

88. Montoya & Valdes, “Latinas/os” and Latina/o Legal Studies, *supra* note 31, at 238-241.

89. See Overview of LatCrit Publications, LATCRIT.ORG,

composed these and similar publications have helped to chart the contours of OutCrit scholarship to encourage its continual expansion in multiple, and ideally synergistic, directions.

In effect, then, these globalizing initiatives, efforts, and projects amount to a sustained, collective, programmatic undertaking to nurture OutCritical approaches to hemispheric justice studies from and beyond the United States legal Academy. These transnational efforts to conceive of and initiate this 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. As this account indicates, these OutCritical efforts to foment hemispheric justice studies have already yielded multilateralized discourses, publications, networks, and projects designed to help North-centric scholars and scholarship learn from South-centric work, and vice versa.

However, this type of sustained multilateral exchange also 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 LatCrit values, functions, guideposts, and postulates, this rich record of transnational projects and related publications or events now positions LatCrit and allied 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. As with the conferences and other programmatic knowledge-producing efforts of the past twenty years, these critical border crossings are set not only to continue, but also to expand, deepen, and coalesce into ever-sharper programmatic forms and ever-thicker substantive terrains.

B. SUBSTANTIVE AGENDAS: HEMISPHERIC JUSTICE STUDIES AND EUROHETEROPATRIARCHY

Given the shared but 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 interconnected social cancers that systematically deform the lives of many citizens across many neo/colonial societies, regions, and eras. These projects and programs have similarly 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.⁹⁰

Thus, much like critical outsider jurisprudence focused mostly in/on the U.S., LatCritical approaches to hemispheric justice studies similarly interrogate and challenge systemic Euro-heteropatriarchy⁹¹ in its local as well as global expressions. In this way—and only through these ways—can critical networks of activist antisubordination scholars help to produce the knowledge necessary to sustain social action to dismantle, transnationally, the centuries-old edifice of institutionalized Euro-heteropatriarchy through coalitional solidarity. Activating critical South-North networks to take on this cross-bordered, long-term agenda is the next and pressing step in the development of an outsider counter-tradition to academic imperialism in and through hemispheric justice studies.⁹²

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

90. See generally Charts A, B, C and D, and sources cited therein (on LatCrit lines of inquiry and program themes); see also LATCRIT.ORG, www.latcrit.org (last visited May 18, 2016).

91. See generally Valdes, *Queers, Sissies, Dykes and Tomboys*, *supra* note 17; see also Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins*, 8 YALE J. L. & HUM. 161 (1996).

92. See generally Montoya & Valdes, “Latinas/os” and Latina/o Legal Studies, *supra* note 31, at 201-14 (on academic imperialism and other models of legal knowledge production).

- The first line of inquiry and action is the establishment of constitutional governance at all levels of organized society based on inclusive, participatory democracy, 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 socio-economic strata;
- The fourth set of concerns involve the efficacious protection of human rights, ranging from the political to the social, cultural and collective, regardless of class, race, sex, sexual orientation, religion, culture, citizenship, or other kinds of human identities;
- Finally, the substantive agenda of hemispheric justice studies would demand respect for the planet as a common 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 engagement reflect the baseline political economies that sustain the institutions and structures of Euro-heteropatriarchy within and across contemporary nation-states from one end of the Americas to the other. Each of these five sets of substantive issues or goals require refining and detailing—but to transform the hemispheric status quo, it follows that we must confront and dismantle multidimensional regimes of injustice across all of these fundamental fronts of life and law and disrupt the unjust material effects of their systemic, mutually-reinforcing interaction.⁹³ This listing is but a start that underscores the scale of the

93. It thus bears emphasizing that these five sets of antistatist concerns present a *long-term* substantive agenda for hemispheric justice studies and related actions or reforms. After all, the present-day architecture of Euroheteropatriarchal subordination has taken a half-millennium to emblazon itself across the hemisphere and throughout many other parts of the globe; reversing and dismantling the imperatives and structures of the prevalent neocolonial status quo is necessarily a multi-generational project. At this stage, *our* task is to build on the record established thus far to the best of our individual and collective capacities.

undertaking.

The LatCrit basket of internationalist, comparative, and counter-disciplinarian efforts reflects our original and continuing commitment to social relevance in transnational and multidimensional terms. In particular, these ongoing efforts show our programmatic commitment to the promotion of anticolonial knowledge to guide social justice action across and despite the borders of states, cultures, and disciplines. Through the cultivation of critical networks based on mutual respect and explicitly shared values and goals, the LatCrit/OutCrit community aims to influence theory, academy, and society always toward the direction of post-subordination, post-Euro-heteropatriarchal possibilities across multiple categories of identity, status or location. Despite our many and continuing limitations, we continue this work because we insist on ushering in the future that we envision, both locally and globally.⁹⁴

V. LATCRIT AND/AS TEXTBOOK KNOWLEDGE: USHERING NEW DECADES OF THEORY, COMMUNITY AND PRACTICE

While continuing these various initiatives in programmatic knowledge production, the second half of the second decade also witnessed the development of a new and unique experiment in

94. 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, transnational and counterdisciplinarian 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. See generally *Rebellious Knowledge Production*, *supra* note 8, at 151-153 (surveying LatCrit efforts and limitations).

Not coincidentally, these pressures, drags, and burdens are a continuing legacy of the neocolonial status quo we inherit—a Euroheteropatriarchal 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, as the record of the past two decades shows, the LatCrit community has gone beyond resistance to help envision and construct a post-subordination society with equal social justice for *all*.

LatCrit/OutCrit knowledge production. During this time, LatCrit scholars have worked with leading legal publishers to create a self-contained, multimedia resource for justice teachers and practitioners in various disciplines, including law, to help teach, learn, and practice the ways and means of socially-relevant analysis, advocacy, and action as developed over the past several decades by activists, organizers, lawyers, and scholars.⁹⁵ Rather than become a showcase for LatCrit scholarship, this evolving project combines academic literatures from various disciplines with popular and social media sources to weave new paths through existing resources toward everyday justice for all persons and groups under a postsubordination social order. During these past five years, and as part of a larger LatCrit strategic plan,⁹⁶ the “Critical Justice Coursebook” slowly has emerged from the ongoing collaboration of LatCrit/OutCrit scholars from coast to coast (and beyond) who imagine and bring into existence new means and ways of producing, conveying, and applying the specific knowledge, skills, and attitudes most necessary to producing justice in lived, material terms across diverse social and legal terrains.

As a result, this forthcoming Critical Justice Coursebook is designed to provide an integrated, multi-media teaching resource for use in law schools and other disciplines by faculty teaching social justice-minded courses. But this resource is not designed to duplicate the rich materials already devoted to various types of community-oriented social justice practices; instead, it is designed to complement these materials in several important respects. This half-decade of conceptual development is yielding a carefully crafted framework for understanding and combatting the constantly morphing yet resilient forms of *systemic* injustice under the formal rule of law. In this re/framing, *critical* justice is the action-oriented interrogation of key causal links between unequal justice and social inequity in systemic terms, for the purpose of catalyzing culture shifts through enduring or “sticky” systemic change, which progressively bend a diverse society toward lived justice for all.

95. In 2011, LatCrit as a collective contracted with West Publishers to produce the Critical Justice Coursebook, which continues to evolve over time. See *At and Beyond Fifteen*, *supra* note 30, at 335-37.

96. See *Coming Up*, *supra* note 3, at 523-36 (describing the strategic planning process and outcomes).

Marshaling the multi-disciplinary OutCrit scholarship of the past two decades, this project aims specifically to bridge several long-lamented gaps in U.S. legal education: the gaps between theory versus practice, between domestic versus international studies, and between law versus other disciplines.⁹⁷ Building on the core competencies of traditional legal education to do so, this project focuses on “social impact advocacy” spanning in-court as well as out-of-court skills, strategies, and goals.⁹⁸ Once completed in 2017, this new resource will enable teachers in mainstream courses, smaller settings, or clinical contexts to teach in this area with a sharply critical bent: the substantive materials on theory, identity, and inequality equip students to engage in contextual, structural, historical, and intersectional analysis, while the inter-disciplinary materials on social impact advocacy expose the students to skills and strategies mostly missing from law schools (and other justice studies) today.⁹⁹ The combination is potent and aims to support the continuing efforts of faculty everywhere to maintain justice studies in formal education despite the rise of selective austerity favoring corporate education and shortchanging justice education—and, therefore, especially to help foster socially-grounded justice studies that apply the insights of critical and outsider theory to the inter-disciplinary practice of law in materially impactful ways.

This special attention to the fusion of OutCrit theorizing with “social impact advocacy” in the innovative practice of law for the material promotion of social justice leads also to a specific focus on knowledge, skills, attitudes, and values (KSAV’s) that typically are absent from, or marginal in, contemporary approaches to formal legal

97. These concerns of course reflect our historical rooting in concerns that have motivated legal analysts since before the days of legal realism. See Hernández-Truyol, Harris & Valdes, *supra* note 7, at 172-80.

98. See *infra* note 107-09 and accompanying text (on social impact advocacy).

99. For instance, in its conception of “social impact advocacy” discussed here, the Coursebook is designed to teach students how to plan issue campaigns for social change in conjunction with (or without) legal action, as well as how to plan for community economic development projects that serve material needs of particular localities or populations. See generally Scott Cummings, *Empirical Studies of Law and Social Change: What is the Field? What are the Questions?*, 2013 WIS. L. REV. 171 (2013) (outlining a tenuous, even vexed, relationship between legal culture and social justice); see also *infra* notes 107-09 and accompanying text (on social impact advocacy).

education. Currently—and defying decades of reform—law schools still tend to emphasize “traditional” knowledge and skills tied to appellate opinions and in-court tools or techniques bounded by technical notions of abstract doctrine or indelible dogma;¹⁰⁰ in this entrenched traditionalist framing, rules, rights, and remedies are over-theorized in artificially asocial, individuated, decontextualized terms.¹⁰¹ In this framing, “real” clients are frequently omitted from consideration, while the inculcation of appropriate professional attitudes is crowded out of serious in-class discussion, and the tools or techniques that center decision-makers other than appellate appointees receive short shrift. Although this educational and professional myopia has been, and continues to be, widely understood as woefully inadequate to the exigencies of a successful law practice—both in the past century as well as the present one—it persists from coast to coast today, as the longstanding and continuing critiques of U.S. legal education have made so painfully clear.¹⁰²

Consequently, in this framing the messiness of real life—including real-life advocacy—is perversely bleached out of all teaching and learning in the name of classroom pedagogy. In the process, law students who begin their education motivated by social justice goals become disoriented, or worse. In the end, this longstanding defect in the structuring of U.S. legal education fails each year, decade, and century to consistently produce graduates who are well-versed and well-trained in the KSAVs—attributes particularly necessary or beneficial in social justice practices. Given this systemic status quo, it really is no wonder that the typical U.S. law school graduate (still) knows very little about the effective practice of law—and even less how to do anything successfully as a legal professional in the “real world”—after investing literally 1,000 days and many thousands of dollars in a formal education that professedly certifies precisely such competence.

100. See generally Carrie Menkel-Meadow, *Crisis in Legal Education or the Other Things Law Students Should be Learning and Doing*, 45 MCGEORGE L. REV. 133 (2013) (providing a recent outline of continuing concerns and contemporary critiques).

101. See *Towards an Outcrit Pedagogy*, *supra* note 11.

102. See Sheila I. Vélez Martínez, *Foreward SNX 2014: Challenges to Justice Education: South-North Perspectives*, 9 CHARLESTON L. REV. 213 (2015) [hereinafter *Challenges to Justice Education*].

This recurrent institutional failure to adequately train law students to function as effective social justice advocates in turn facilitates the continuance of law's complicity in unjust systems that substantially violate fundamental norms of both law and society. This historic and continuing failure effectively ensures that "equal justice for all" will remain an unfulfilled commitment in perpetuity, and that the much-decried gaps in access to justice remain gaping. This persistent structural failure in effect aligns formal legal education to systemic injustice despite loud contrary protestations from legal organizations and actors responsible for the design and integrity of formal legal education as a social institution in a society formally and vehemently committed to justice, equality, and democracy. Yet, there it (still) is.¹⁰³

Breaking resolutely with this persistent past and regressive present, the Critical Justice Coursebook centers KSAVs that consciously build on core KSAVs to expand the social justice toolkit for both lawyers and other advocates, activists, and organizers. As Chart E illustrates, these KSAVs refocus advocacy KSAVs not only—or chiefly—on law and its internal logics, but rather on law's operational complicity in the unjust power dynamics of systems that create identity hierarchies in myriad socio-economic settings.¹⁰⁴ Building on basic legal KSAV's, these additional KSAVs expand critical attention to include not only a focus on court cases and appellate judges, but also on clients embedded in justice causes associated with struggling communities which are oftentimes contoured by the intersections of disfavored identities. These KSAVs reframe social justice tactics and strategies to appreciate the utilities—as well as the limitations—of legal formalisms and formalities, including rights, rules, and remedies.¹⁰⁵

The emphasis on these most relevant KSAVs in turn pulls into view the insights of critical and outsider theorizing, which become self-evidently necessary to help make sense of rarified doctrinal abstractions in the contexts of blurry, real-world situations. These

103. For a LatCritical historical perspective on the construction of U.S. legal education, see Daria Roithmayr, *Deconstructing the Distinction Between Bias and Merit*, 85 CALIF. L. REV. 1449 (1997), reprinted in 10 LA RAZA L.J. 363 (1998).

104. See Chart E for the KSAVs that, in addition to core legal KSAVs, are most important in social impact advocacy through lawyering.

105. See *Towards an Outcrit Pedagogy*, supra note 11, and *Challenges to Justice Education*, supra note 102 and sources cited therein (on legal training).

KSAVs connect the practice of law to the broader, cross-disciplinary practice of advocacy for social change by linking the teaching of law to the insights of OutCrit scholarship that strive to be multi-disciplinary. In this reframing, knowledge based on anti-essentialism, intersectionality, and multidimensionality take center stage in the act of legal analysis.¹⁰⁶ In this reframing, remedial strategies aim to re-channel existing power relations in order to change systems and structures for the longer term, as well as to increase the ongoing self-empowerment of marginalized persons, groups, and communities for their multi-generational pursuit of never-ending justice struggles.¹⁰⁷ In this reframing, diverse clients, embedded in multi-cultural communities engaged in collective campaigns to self-empower while also altering existing systems and cultures of injustice, tend to replace the individual civil rights supplicant asking appellate judges for new rights—or old rights—to be respected, at least on paper, by unjustly enriched and obscenely privileged ruling elites.

Reaching for these ambitious goals, the Critical Justice Coursebook introduces and develops the notion of “social impact advocacy” (SIA) to help show how lawyers, advocates, or activists in or beyond the U.S. can (and do) participate effectively in various types of settings and actions aimed at systemic and structural reform to promote or vindicate fundamental, longstanding commitments of law and society to justice, equality, democracy, liberty, and dignity. Acknowledging the formal centrality of law’s emphatic commitment to equality and justice—or equal justice—this critical reframing brings into sharp relief the institutionalized contradiction of the foundational commitment to justice both through formal lawmaking and cultural practices that oftentimes are tied to identities based on race, gender, class, sexuality, and other historically problematized categories. In this reframing, closing the resulting identity-based “gaps” in popular access to substantive justice, including justice in democratic governance and lawmaking processes, is the point of social impact advocacy.

106. These concepts originate in legal scholarship with critical race theory and critical race feminism. *See supra* notes 18-26 and accompanying text (on the development of these and similar concepts).

107. This emphasis leads to the focus on issue campaigns and community economic development projects. *See supra* note 99 and accompanying text (on social impact advocacy, law, and social change).

To arrive at these bottom lines, the Coursebook bridges four divides in existing approaches to justice praxis: (1) theory and action, both in law and beyond; (2) law and other disciplines, especially history and economics; (3) class and other categories of identity, such as race, gender, ability, orientation and the like; and (4) domestic and transnational frameworks of analysis, advocacy, and action.

And to bridge these four existing divides, the Coursebook uniquely synthesizes four key bodies of contemporary literature focused on: (1) social justice activism, including social justice lawyering; (2) critical and outsider jurisprudence, including ClassCrit scholarship; (3) law-and-society studies; and (4) “new” or “third world” approaches to international law (NAIL/TWAIL).

When finished in 2017, the Coursebook will consist of about 1,100 pages presented in several main Parts that also are accompanied by web-based multimedia resources and a user’s manual in wiki format designed to provide teachers and readers easy, up-to-date access to current or supplemental materials that include films, reports, news clips, and other cross-disciplinary sources of information relevant to SIA today. And, continuing the now-familiar LatCrit approach to collective and programmatic knowledge production, this project also envisions rotating workshops to help justice-minded teachers in diverse disciplines learn from each other how to make best uses of this new resource in varied pedagogical settings. Over time, these planned workshops should help to create recurring opportunities to continually develop enhanced uses or editions of the book as well as a community or network of similarly-trained users who are therefore better able to work cooperatively and coalitionally.¹⁰⁸ Because it is a LatCrit project, the longer-term purpose of this Coursebook is to support the development of robust transnational and cross-disciplinary formations and frameworks for effective social impact analysis, advocacy, and action that might, in turn, help to produce a “pipeline” of organizers, lawyers, and activists trained in similar concepts, vocabularies, and approaches focused on securing justice for subordinated persons and populations not only in the U.S. but also in diverse regions or locations across the globe.¹⁰⁹

108. *Coming Up*, *supra* note 3, at 537-42.

109. *At and Beyond Fifteen*, *supra* note 30, at 332-37.

In these and other ways, the Critical Justice Coursebook endeavors to take LatCrit approaches to knowledge production into a third decade of collective and programmatic enterprise. Threading together the works of diverse individuals into a new critical whole, this new teaching-learning resource is very much the product of personal collective praxis. While not designed to showcase the scholarship published in LatCrit symposia, the design and contents of the book decidedly do reflect the values, functions, guideposts, and postulates that have helped shape all our projects during these past two decades, including our collective body of scholarship. As with the symposia generated by our other programmatic efforts during the past two decades, this new initiative positions future generations of LatCrit/OutCrit scholars to develop in the years to come our distinctive and collaborative approach to knowledge production with a robust and principled sense of substance, direction, and mission.

VI. ON SUSTAINABILITY AND SOLIDARITY: AFTER LATCRIT XX

In looking back at twenty years of community dinners, twenty years of student scholars becoming colleagues in the legal academy, twenty years of tensions and contention, twenty years of efforts in making meaningful relationships between scholars in the Global South and Global North, twenty years of transnational exchange, twenty years of scholarship, we now consider some future goals and possibilities. As our preceding account indicates, what started as a self-described “motley crew of young legal scholars” with a ten-year commitment to personal and collective praxis¹¹⁰ has evolved organically into an institution with a Portfolio of Projects that create a year round “zone” for LatCrit knowledge, community, and coalition. And as we now prepare to enter a third decade of programmatic knowledge production, we might look back to our initial community goals to better confront the challenges ahead.

To do so, we begin again with the values and other anchors that have guided our progress since the mid-1990s, and given the history recounted already, we consider the basic question pressing now before to be: how do LatCrit/OutCrit scholars, networks, and projects best continue to apply these insights in organic ways to engender progress

110. Mahmud, Mutua & Valdes, *supra* note 4.

despite ever-greater challenges to equal justice? We therefore center below three of our four basic functions: the cultivation of community, the expansion and connection of struggles, and the advancement of social transformation.¹¹¹ To conclude these thoughts on a forward-looking note, we focus on two inter-related programmatic concerns that manifestly underlie our hopes and continually motivate our efforts: sustainability and solidarity.

A. *ON SUSTAINABILITY: BUILDING ENDURING PATHWAYS TOWARD EQUAL JUSTICE AND SOCIAL EQUITY*

We begin this forward-looking discussion of sustainability by noting that legal education has undergone significant structural changes since 1996.¹¹² During a time in which the neoliberal regimentation of education has become the default truth and received wisdom of policy makers in the United States, the gains that OutCrit scholars have made are becoming increasingly vulnerable to backlash and rollback.¹¹³ Although the LatCrit community has created, through personal and professional praxis, “safe zones” for diverse networks of OutCrit scholars, and although the community of OutCrit scholars has been increasingly successful in supporting diversity in legal academia among the law faculty and law students, our limited gains remain precarious.¹¹⁴

Most recently, a “crisis” in legal education, characterized by falling numbers of LSAT takers and decreased numbers of applicants to law schools, has been “discovered”.¹¹⁵ The current “market”

111. See *supra* note 44 and accompanying text (on LatCrit approaches to theory and its functions).

112. Although the numerical trends in terms of full time employment differ only a few percentage points, the general consensus appears to be that legal education is in crisis. See *Trends in Graduate Employment (1985 – 2008)*, NALP BULLETIN (July 2009), <https://perma.cc/F9EY-LAY6>; see also *Challenges to Justice Education*, *supra* note 102, at 213-14 (discussing the current crisis of legal education). And it is no surprise that this crisis is felt more acutely at schools that serve first generation law students and minority law students.

113. Mahmud, Mutua & Valdes, *supra* note 4, at 362.

114. See *id.* at 374-80 (on the impact of the culture wars on our work, and the rising threat that the politics of neoliberal austerity presents to justice projects).

115. *Challenges to Justice Education*, *supra* note 102, at 213-14 (discussing the current crisis of legal education). One might remark that this “discovery” has actually been manufactured by public divestment in higher education and the expansion of

conditions for young lawyers are bleak for most and threaten not only the gains of the OutCrit community but also the power of lawyering to contribute to the expansion of social justice and antisubordination liberation projects. Jobs in the private sector, the non-profit sector, and government arenas decrease in numbers as law school debt, through a combination of public divestment and an increasing demand by employers for students and educators to internalize the costs of ensuring that students have “practice experience” before they actually enter the practice, spirals out of control, reaching an average of \$140,000 for graduates.¹¹⁶ And because the LatCrit community has been at the vanguard of those bringing sharp critiques against the status quo in legal education,¹¹⁷ OutCrit scholars and scholarship can be especially threatened by the politics of neoliberal austerity and the narrative of a contracting market.

In times like these, self-sustainability is especially crucial for critical and outsider projects.¹¹⁸ Self-sustainability, particularly in the form of material and financial independence, no doubt will play an important role in determining whether the struggle for critical justice can continue from within the U.S. legal academy.¹¹⁹ What will we do when our “home” institutions further diminish the last dribble of material support that they still provide to efforts like ours?

contingency in employment to white collar workers. While the impact of the crisis—decreasing revenue and belt-tightening at law schools—is quite real, it is not clear that this “new normal” of austerity is grounded in scarcity as opposed to inappropriate distribution.

116. Editorial, *The Law School Student Debt Crisis*, NY TIMES, Oct. 24, 2015, <https://perma.cc/K9XQ-YHEL> (last visited Mar. 30, 2016).

117. See, e.g., Roithmayr, *supra* note 103; Kevin R. Johnson & Amagda Pérez, *Clinical Legal Education and the U.C. Davis Immigration Clinic: Putting Theory into Practice and Practice into Theory*, 51 SMU L. REV. 1423 (1998); *Making Do While Making Waves*, *supra* note 75; Francisco Valdes, *Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education*, 10 ASIAN L. J. 65, 68-69 (2003); Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy and Discourse*, 33 U. MICH. J. L. REFORM 263, 298 (2000); Saru Matambanadzo, *Fumbling Toward a Critical Legal Pedagogy and Practice*, 4 POL’Y FUTURES IN EDUC. 90, 91 (2006); Spearlt, *Priorities of Pedagogy: Classroom Justice in the Law School Setting*, 48 CAL. W. L. REV. 467, 470-71 (2012); Anibal Rosarion-Lebrón, *If These Blackboards Could Talk: The Crit Classroom, a Battlefield*, 9 CHARLESTON L. REV. 305 (2015).

118. See Mahmud, Mutua & Valdes, *supra* note 4, at 388-94.

119. *Id.* at 382-94.

Recognizing and anticipating these devolutions, LatCrit is spearheading two moves to foster the long-term self-sustainability of our programmatic knowledge production efforts: (1) the purchase and renovation of Campo Sano, the LatCrit community campus, and (2) the creation of the Critical Justice Coursebook, designed for use in law schools and other settings.¹²⁰ As is oftentimes the LatCrit case, these two initiatives are designed to work synergistically, and to provide “new foundations” for the continuing practice of our values, functions, guideposts, and postulates.¹²¹

The purchase of the LatCrit “campus” (and the creation of the Living Justice Institute at Campo Sano) is designed to provide the individual LatCrit scholars within our critical communities with long-term institutional independence in multiple—even in as-yet-unforeseen—ways.¹²² Campo Sano provides, literally, a safe space for the ongoing incubation of rebellious knowledge and practice from generation to generation. This community space is not subject to the logic of neoliberal legal education or the pressures conservative institutions place upon critical outsider scholars; organized to be self-supporting, Campo Sano and our related projects are intentional efforts to provide low-cost access to the material conditions necessary for academic activism. Having and controlling a physical campus, as an autonomous community not only lessens our material dependence on other institutions and venues, but it also opens up new possibilities for institution-building projects and community-centered engagement.¹²³ Having and sustaining a Campo Sano gives to us, both as individuals and networks, a new material means, site or platform to better pursue our social justice ends through the various projects or programs already underway, or yet to be conceived. Having and developing a physical congregation center of our own takes our ongoing and potential programmatic efforts to create safe spaces and zones to new levels of material possibility: at a minimum, access to low-cost meeting space enables variously-situated individuals or groups to leverage or adapt these facilities in multiple creative ways to initiate, develop or support any number or kind of new community projects.

120. *Id.*

121. *See Coming Up, supra* note 3.

122. *Id.* at 537-42.

123. Mahmud, Mutua & Valdes, *supra* note 4, at 392-93.

As is always the case, only time will allow us to see the ultimate gains, and limits, of this strategic advance. For the moment, however, OutCrit and allied scholars have a new instrument of personal collective praxis to promote rebellious knowledge production, other forms of academic activism, and increased community engagement. As we turn to a third decade of praxis and possibility, this strategic advance puts the programmatic initiative in OutCrit hands.

The second initiative focused on securing our long-term sustainability and autonomy, the Critical Justice Coursebook, is described in detail above: this new resource is designed to support agents of social justice change around the United States (and world) to increase action-oriented social justice knowledge through advocacy and activism.¹²⁴ Over time, this new resource will support future pipelines, communities, and networks of social justice innovators in ways that we can only begin to imagine now. Although the ultimate impact of this project will be determined by us, collectively and individually, only over time, the intellectual and theoretical ambitions described above are clear.

Consequently, the point to underscore here is the role of that project in the larger vision and capacity of OutCrit networks. In addition to creating a resource for learning and teaching the lessons of OutCrit scholarship, this project promises to build our capacity for more programmatic work. In addition to providing intellectual sustenance going forward, this new Coursebook brings with it the collateral potential to generate material support for other programmatic projects, including Campo Sano and the Living Justice Institute.¹²⁵ In addition to supporting the work of change agents in diverse locales and circumstances, this Coursebook project can help to sustain new or ongoing programmatic initiatives to produce OutCrit knowledge and action.

124. *See supra* part IV.

125. For instance, all proceeds from the Coursebook are dedicated to the community treasury to support other community projects in our portfolio, thereby providing us a greater measure of continuity and autonomy than is typical in legal academia for outsider formations. The decisions of the many individuals spearheading the Coursebook project to dedicate all proceeds to the community for institutional purposes thus provides another illustration of the LatCrit approach to knowledge production and academic praxis through “personal collective praxis.” *See* Hernández - Truyol, Harris & Valdes, *supra* note 7, at 194-96 (on personal collective praxis).

It bears emphasis that these two new strategic initiatives are conceived and designed to be mutually reinforcing, both in substantive and in pragmatic terms. Campo Sano provides a low-cost, easy-access material base for workshops and similar incubator events devoted to critical justice projects—including, but not limited to, those associated specifically with the Coursebook—thereby encouraging and enabling gatherings and connections that otherwise might never have been materially viable. And the Coursebook, in turn, should yield a stream of material resources for the maintenance of Campo Sano so that diverse projects devoted to critical justice—including, but not limited to, those associated specifically with the Coursebook—can be enabled, sustained, and advanced more so than otherwise. The ultimate possibilities and limits of these two new projects will be settled in the coming months and years by our individual and collective choices, but the principled and practical synergies informing their design and initiation aim earnestly to support OutCrit studies more broadly, and for the longer term.

These two new strategic initiatives, along with the ongoing Portfolio of Projects, provide powerful vehicles for the articulation of our programmatic knowledge production, but the LatCrit community is always in flux. Multiply diverse individuals¹²⁶ move in and out of leadership roles, shifting priorities and commitments as demands—personal, professional, and institutional—weigh upon their lives. This fluidity, as already noted, has been a strength and a virtue in LatCrit as new cohorts bring alternative perspectives and fresh outlooks on existing or emerging challenges. This fluidity also underscores the salience of human resources in the sustainability of programmatic work, a salience that we increasingly frame in inter-generational terms as we approach a third decade of community and coalition in and as knowledge production across ever-expanding lines of critical inquiry.¹²⁷

126. Berta Esperanza Hernández-Truyol, *Indivisible Identities: Culture Clashes, Confused Constructs and Reality Checks*, 2 HARV. LATINO L. REV. 199 (1997)

127. In our recent 2012 effort to map the community scholarship by keywords, the publications were classified using approximately 270 different thematic keywords to describe the indexed articles. See *Specific Instructions for the Use of the LatCrit Keyword Index*, LATCRIT.ORG, **Error! Hyperlink reference not valid.** perma.cc/U369-MW6T (last visited March 31, 2016).

Unsurprisingly then, LatCrit's ultimate capacity for self-sustainability—perhaps the central foundation of self-sustainability—comes through nurturing and supporting the next generation of LatCrit scholars and activists. As already discussed, LatCrit has from the outset undertaken intentional programmatic efforts to nurture upcoming generations of activist scholars, and this nurturing support continues to this day in many forms; from vigilant support for job candidates entering the legal teaching market to perfecting the files of junior faculty during the process of promotion and tenure. LatCrit's commitment to supporting the next generation has been a central aspect of the organization's mission.¹²⁸

Again, much of this work occurs through and in the context of our Portfolio of Projects.¹²⁹ More specifically, this type of inter-generational cultivation comes in the form of supporting the next generation of critical scholars and activists in the community through the Student Scholar Program (SSP), the Faculty Development Workshop (FDW), and elected leadership in the organization itself.¹³⁰ Again, these three lines of action are designed to be mutually-reinforcing in order to both produce shared knowledge and to build our community capacity for this work's continual expansion.

Through the SSP, the LatCrit community strives to support the next generation of critical scholars and activists directly and programmatically while they are still in school. Providing both mentoring and publication opportunities, this project extends human support for critically-minded students while also offering opportunities to pursue an academic career. These propositions can be revolutionary for progressive students interested in social justice, and for critical law students from minority groups, for whom the experience of law school is characterized by trauma or outright hostility on bad days and constant micro-aggressions on the best days.¹³¹ Already in a crisis of "not belonging", and being frequently heavily indebted for an education that many claim they are not entitled to, these students are often searching for communities where the inequities they see and the

128. See Montoya & Valdes, *Latinas/os and Latina/o Legal Studies*, *supra* note 31, at 242-44 (on LatCrit attention to junior scholars and generations).

129. See *supra* Part I.

130. See *At and Beyond Fifteen*, *supra* note 30, at 332-34.

131. *Toward and Outcrit Pedagogy*, *supra* note 11.

outrages they know are recognized and named. The SSP helps students find likeminded networks while in law school and beyond to help produce both OutCrit knowledge and the conditions for its sustainability across communities and generations.

The SSP therefore not only recognizes the academic achievements of these students but also brings them to the LatCrit conference where they participate in the Faculty Development Workshop (FDW) and have the opportunity to engage with the larger community. Launched a decade ago at LatCrit VIII in Cleveland and co-hosted since then by the Society of American Law Teachers (SALT), the FDW program provides a critically-minded annual venue for those aspiring to enter the academy, or those new to the academy, to come together before the initial conference and engage with one another and with the community.¹³² Presenting a comprehensive picture of the profession, the FDW provides sessions on navigating teaching, research, and service as a critical or progressive scholar in the legal academy, reminding all comers that this industry is heavily invested in the preservation of the Euroheteropatriarchal status quo both in law and throughout society.¹³³

For many of the SSP students, the FDW might be their first encounter with an academic community of professionals and their only encounter, at the university level, with a diverse group of faculty whose experiences mirror their own. This deliberate programmatic linkage of the SSP and the FDW creates fertile ground for positive, life-long mentor-mentee relationships that have been so vital to supporting the next generation of LatCrit scholars. In combination with the SSP, the FDW opens programmatic pathways for the cultivation of new generations and, ultimately, for the unfolding of generational transitions like those we discuss here.¹³⁴

132. For more information on the FDW, SSP or other LatCrit projects, visit the LatCrit website, LATCRIT.ORG, www.latcrit.org (last visited May 18, 2016); see also *supra* Part I (on these and related projects in the LatCrit portfolio).

133. The use of “Euroheteropatriarchal” is designed to evoke a particular kind of interlocking subordination. In the context of LatCrit scholarship, “Euroheteropatriarchy therefore denotes a specific form of subordination in a specific context, which encompasses and enforces white racism and Anglo ethnocentrism, as well as androsexism and heterosexism, normatively, politically, and legally.” Francisco Valdes, *Outsider Scholars, Legal Theory & OutCrit Perspectives: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831, 841 (2000).

134. See *supra* notes 30-34 and accompanying text (on LatCrit strategic planning

Consequently, on the threshold of a third decade, LatCrit veterans regularly still recruit junior scholars in the community to spearhead the SSP, and to chair the Faculty Development Workshop, in ways that advance the goals of the individuals involved as well as the greater SALT and LatCrit/OutCrit communities. Similarly, LatCrit also regularly recruits junior scholars and aspiring entrants in the legal academy to participate in planning our flagship conference, along with organizing the South North Exchange on Theory, Culture, and Law (SNX). Opportunities like these to plan large-scale LatCrit events, and to take the lead “behind the scenes” of the organization, provides opportunities for critical junior faculty to engage in national service and to build their reputation throughout the LatCrit community.¹³⁵ Today, these efforts have cumulatively created a pool of junior scholars who understand the inter-active synergies of LatCrit projects, who possess institutional knowledge about the organization, and who are ready and willing to engage in board service to spearhead the work ahead.

To build on these critical insights and programmatic efforts going forward, self-sustainability now requires careful attention to intergenerational transitions that empower rising LatCritters, not only to produce their own scholarship, but also to shape the institution and organization to reflect the challenges of the twenty-first century in academy and society. In addition to continuing our efforts to build LatCrit/OutCrit ranks from year to year, we thus must also increasingly prioritize proactive generational transitions that secure the long-term sustainability of the precarious gains that we seek not only to protect but also to expand. Consequently, the LatCrit self-study and its strategic planning efforts of recent years have prioritized the promotion of the next generation of scholars and activists to leadership positions not just within the projects in our portfolio but also across the organization as a whole.¹³⁶

To this end—and as part of its recent strategic planning process—the LatCrit board has included during the past several years a diverse cohort of rising critical, outsider scholars committed to the long-term

and generational transitions).

135. See Mahmud, Mutua & Valdes, *supra* note 4, at 380-90.

136. See *Coming Up*, *supra* note 3, at 523-36; Mahmud, Mutua & Valdes, *supra* note 4, at 378-82.

goals of the organization in order to create the conditions for an effective intergenerational transition that strives, as always, for a principled balance between continuity and progression.¹³⁷ This brief account thereby shows an experienced community of scholars creatively busy re/producing the institutional conditions for the future continuation of this complex work even as we mark twenty years of programmatic knowledge production and coalitional academic activism. As we approach a third decade of collective efforts to kindle the programmatic production of critical and outsider scholarship, we thus are better prepared than ever before to meet structural and material challenges that are, perhaps, more daunting than any we have met before.

*B. ON SOLIDARITY: EMBRACING DIFFERENCE AND BUILDING
COALITIONS TOWARD ACADEMIC ACTIVISM AND SYSTEMIC REFORM*

Solidarity, often paired with equality and liberty, of course evokes the obligations of comrades in struggle one to another, but solidarity and its specifics must be grounded in the community that demands it.¹³⁸ In the context of LatCrit, which is defined by multiplicity and diversity, any form of solidarity must be “difference-friendly” in its approach. And yet, solidarity, also often paired with “fraternity” and the (sexist) notion of “brotherhood”, connotes sameness or similarity as well—particularly in terms of shared origins and futures. This engagement with solidarity employs narrative perspectives on the conferences to illustrate how the LatCrit community has worked to build a sense of political family through solidarity across difference.

Public storytelling plays a key role in the praxis of CRT¹³⁹ generally and specifically within LatCrit’s approach to critical outsider jurisprudence.¹⁴⁰ In this tradition, however, stories cannot be told

137. For current Board membership, see LATCRIT.ORG, www.latcrit.org (last visited May 18, 2016).

138. Kurt Bayertz, *Four Uses of Solidarity*, from SOLIDARITY 3, 3-28 (Kurt Bayertz ed., 1999).

139. See PATRICIA J. WILLIAMS, *ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* (1992) (employing narrative to highlight the tensions between race and rights in the United States legal system); see also Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741 (1997) (utilizing personal narrative and storytelling to develop a concept of critical race practice).

140. Storytelling in LatCrit is especially salient for the power that counter-

without purpose or without gesturing beyond what is or what ought to be.¹⁴¹ ‘In this instance, as this account already indicates, both the fostering of coalitional communities, as well as the sustenance of OutCritical solidarity, through programmatic knowledge-producing actions have played especially notable roles in the story of LatCrit’s first two decades.¹⁴²

Indeed, from a LatCrit perspective, collaboration and solidarity, specifically with other OutCrit formations, to mutually reinforce each other is indispensable for achieving the *expansion and connection of antisubordination struggles* that, in turn, are necessary to achieve systemic reforms capable of driving social transformation. Because this expansion and inter-connection are foundational to the functions of our work,¹⁴³ LatCrit scholars have joined longstanding critiques of legal individualism through all our projects, programs, and publications. The body of scholarship produced by the LatCrit community and our praxis at home institutions have likewise long challenged the legal mythologies of meritocracy, and the narrative of inevitable scarcities for the many and abundance for the few.¹⁴⁴ Out of LatCrit’s antiessentialist mission to center the lives, experiences, and voices of diverse Latinas/os emerged a programmatic commitment to seek alternative ways of being in the world beyond self-interested neoliberal individualism. From this antisubordination commitment, principled efforts to build community and coalition have emerged—not only through our scholarship and programmatic praxis, but also through our celebrations and intimate social gatherings that make the human dimensions of this work especially salient.

Thus, a crucial aspect of this story—and of solidarity—is how this multifaceted approach to programmatic action creates not only a “safe

storytelling has on efforts to make visible the experience of minority groups that have been rendered invisible in the Euroheteropatriarchal neoliberal status quo. See Daniel G. Solorzano & Tara J. Yasso, *Critical Race and LatCrit Theory and Method Counter-Storytelling*, 14 INT’L J. OF QUAL. STUD. IN EDUC. 471 (2010).

141. “[If] LatCrit scholars are to deploy stories as a LatCrit praxis methodology, the goal of storytelling must go beyond descriptive ‘accuracy’; the ‘is’ must be connected to an explicit or implicit ‘ought.’” Robert S. Chang & Natasha Fuller, *Introduction: Performing LatCrit*, 33 U.C. DAVIS L. REV. 1277, 1280 (2000).

142. See *supra* Parts I and II.

143. See *supra* notes 42–46 and accompanying text (on LatCrit values, functions, and related anchors).

144. See *supra* parts II and III (on the scope of LatCrit scholarship).

space” but also a year-round “zone” of safety for OutCrit scholars to explore identity and hierarchy through the lens of antistatization and antiessentialism in human, embodied terms.¹⁴⁵ Within this zone, and reflecting its community orientation and commitment to self-criticality, LatCrits form a type of intellectual and political family.¹⁴⁶ As hoped, the story of the twentieth anniversary conference in October 2015 once again felt like that of a family reunion.

For many, there was a renewed sense of seasoned family members reuniting and new family members being introduced. The names of deeply missed friends who have passed and joined the ancestors were invoked, and new friends and comrades were welcomed to the tribe. As was the case in the past, the LatCrit village embraced the families within the larger family, and young children of conference-goers colored during plenary sessions and went from shoulder to shoulder and knee to knee as their parents participated. And while panels and paper presentations were greeted with intellectual rigor and curiosity, there was a noted absence of adversarial hyper-criticality among participants. Instead, we sensed generations coming together, old and new, in solidarity against the neoliberal imposition of scarcity.

But it was not like a family reunion merely because it was a friendly place for many young community members to bring our children. Like a family reunion, there were people missing who could not make it because they had other commitments. Some retired from law teaching to other endeavors and others, including early pioneers, were not with us because they passed on to another plane of existence.¹⁴⁷ Losses are, of course, natural after twenty years together. These passings, however, accentuate the juncture at which we mark this second decade together and confirm the process of inter-generational transition that we have prioritized and pursued in recent years. Yet, as the vibrancy of our 2015 gathering made clear, the

145. See *supra* notes 40–48 and accompanying text (on safe spaces and zones in LatCrit theory and praxis).

146. See Elvia Arriola, *Welcoming the Outsider to an Outsider Conference: Law and the Multiplication of Self*, 2 HARV. LATINO L. REV. 397 (1997); see also *Oral Histories Project (OHP)*, LATCRIT.ORG, <https://perma.cc/NNY4-GWDP> (last visited May 18, 2016). This family reunion feel had special resonance for those who, like one author, had a toddler or child in tow.

147. This list includes Keith Aoki, Derrick Bell, Pamela Bridgewater, Jerome Culp, Trina Grillo, Marc Poirier, among others.

LatCrit commitment to antisubordination and anti-essentialism, and to the praxis of rotating centers while being mindful of shifting bottoms, have helped to create the groundwork to navigate the challenges of difference and change before and around us, both as intellectuals and as humans.

Over the past twenty years, the tone of LatCrit's conferences has, perhaps unsurprisingly, ebbed and flowed. From time to time, LatCrit meetings were marked, in part, by difficult conversations.¹⁴⁸ As with other formations and families, at times the sharp lens of self-critique created tense moments within the community that left tempers flaring.¹⁴⁹ Indeed, both in print and in person, the LatCrit commitment to self-critique and difficult conversations has sparked vigorous and intense debate within the community to encourage coalitional understandings of power, injustice, and justice across the divides of identitarian or other sources of difference.¹⁵⁰ Although these conflictive moments could be painful and even alienating, often these struggles were theoretically productive. The varied difficult conversations often provided an alternative lens for comprehending intersectional injustice and new ways for substantively naming our collaborative work together.¹⁵¹ The effort to map racialized difference in ways that scramble the domestic dualisms of the white-over-black paradigm, for

148. There are many examples of this preserved in the LatCrit Symposia's Afterwords and Forewords, in which the LatCrit community struggled to make coalition across difference and contradictions. At LatCrit II, for example, the community engaged in difficult conversations concerning the tensions between a liberation-oriented outsider jurisprudence that includes persons of diverse sexual orientations and a tradition oriented outsider jurisprudence that centers the importance of religion, particularly sexually conservative Roman Catholicism, in the Latino experience. See, e.g., Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 CHICANO-LATINO L. REV. 503 (1998). These tensions, however, often led to scholarly and theoretical productivity in the future where substantive critical engagement with religion, race, class, sexuality, gender, and indigeneity were used as a lens to examine the past and present. See, e.g., Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U.C. DAVIS L. REV. 973 (2000); Guadalupe T. Luna, *Gold, Souls and Wandering Clerics: California Missions, Native Californians, and LatCrit Theory*, 33 U.C. DAVIS L. REV. 921 (2000).

149. See, e.g., Kevin R. Johnson, *Foreword: Celebrating LatCrit Theory: What Do We Do When the Music Stops*, 33 U.C. DAVIS L. REV. 753, 754–55 (2000).

150. Valdes, *Under Construction*, *supra* note 43, at 1093–94.

151. One example of this comes from Athena Mutua's examination of omissions and tensions between blacks and Latinos at LatCrit VII. See Mutua, *supra* note 33.

example, have pushed the community to globalize our understanding of racial hierarchies by incorporating non-U.S.-centric units of analysis.¹⁵² During the past two decades, our programmatic commitment to nuance and complexity has animated these and other “productive tensions”—vigorous knowledge-producing forms of exchange on difference or disagreement.¹⁵³

Yet, even while LatCrit today remains committed to a critical and self-critical discourse, the 2015 conference was characterized by a somewhat heightened sense of warmth and solidarity in the community. In this context, the most recent iteration of LatCrit in Southern California may signal that the community has come to realize, through hard praxis, generosity with one another, and trust—the benefits of “rotating centers” of programmatic inquiry from year to year during these past two decades, and the ongoing possibilities for analysis and community that “shifting bottoms” can help the community realize in the decade ahead.¹⁵⁴

Historically and presently, the LatCrit community has regarded its ability to deal with difficult conversations and to facilitate intense disagreements in discussions as a potentially positive opportunity to engage in the political work of forging a jurisprudence of reconstruction.¹⁵⁵ Given our history as a critical organization that creates contested shared spaces, LatCrit XX thus was marked in its *lack* of disagreement and conflict, even though differences and challenges no doubt remain. This year, the LatCrit community, like Justice Sonia Sotomayor in another moment,¹⁵⁶ has conjured a space where solidarity was the foundation for shared projects of self-

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

153. See Gloria Sandrino-Glasser, *Los Confundidos: De-Conflating Latinos/as' Race and Ethnicity*, 19 CHICANO-LATINO L. REV. 69 (1998) (arguing that race and nationality are conflated in conversations concerning Latino identity); Anthony Paul Farley, *All Flesh Shall See it Together*, 19 CHICANO-LATINO L. REV. 163, 173-74 (1998) (arguing that the canonical texts of the “black” experience cannot be conflated with the white writers and that they move beyond the so called “black-white” paradigm oft discussed in LatCrit theory).

154. Mutua, *supra* note 33.

155. See Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CALIF. L. REV. 741 (1994).

156. See Rebecca K. Lee, *Sonia Sotomayor: Role Model of Empathy and Purposeful Ambition*, 93 MINNESOTA L. REV. 73 (2013) (reviewing SONIA SOTOMAYOR, *MY BELOVED WORLD* (2013)).

emancipation.

As these notes on solidarity indicate, through the construction of political family and the struggle through difficult conversations, LatCrit community members have learned that we need not be identical to know affinity but we must recognize our commonalities to forge committed long-term coalitions that also take account of our differences. Over time and experience, solidarity through connection across difference and disagreement is built on the foundations of shared knowledge, action, and vision. For this reason, in the context of LatCrit, solidarity remains an aspirational, motivational, border-crossing commitment between individuals and communities. The mutual practice of liberational solidarity in the context of LatCrit theory, community, and praxis must simultaneously be committed both to the *particularities* of local concerns and to the *patterns* of interconnected systems that subordinate indigenous and minoritized persons, groups, and cultures. Consistent with the transnational solidarity that Aziz Rana and Usali Ubali note in their description of the Arab Spring, this type of critical, and LatCritical, solidarity requires “the recovery of vocabularies and repertoires of transnational solidarity that reinforce rather than replace local demands for autonomy and control.”¹⁵⁷

Solidarity, grounded in the decision to act together—to stand together with a joint commitment to engage in struggle against injustice and the dominant forces of Euroheteropatriarchy and neoliberal capitalism—thus rests, in part, on a recognition of substantive affinity, of shared interests in mutual and multidimensional liberation. And while critical solidarity requires coalitional struggle that mutually maintains and respects multiple sources of difference, empathy is crucial to building the conditions where the commitments of critical solidarity can take hold.¹⁵⁸ In the end, enduring progress toward equal justice for all comes only through a persistent and mutual commitment to the difficult moments, both in theory and in praxis,

157. Asli Bâli & Aziz Rana, *Pax Arabica?: Provisional Sovereignty and Intervention in the Arab Uprisings*, 42 CAL. W. INT'L L.J. 101, 103-04 (2012).

158. For background readings on empathy, law and justice, see, e.g., Susan Bandes, *Empathy and Article III: Judge Weinstein, Cases and Controversies*, 64 DEPAUL L. REV. 317 (2015); Susan Bandes & Jeremy Blumenthal, *Emotion and the Law*, 8 ANN. REV. L. & SOC. SCI. 161 (2012); see also Lynne Henderson, *Legality and Empathy*, 85 MICH. L. REV. 1574 (1987).

through willful acts of collaborative empathy.

Through mutual struggle and difficult conversation, the LatCrit community thereby has steadily produced theoretical tools to build fertile and sustainable ground for continued coalition-making in the face of principled misunderstanding or even disagreement. Theoretical and programmatic innovations like rotating centers, shifting bottoms, and streams of programming—each and all of which refine community commitments to antisubordination knowledge production as well as engage with the imperatives of anti-essentialism and intersectionality—have aided in providing the ability to talk and walk across multiple divides and differences in ways that re/affirm our commitments to ethical solidarity in and through academic activism.¹⁵⁹ The past two decades clearly teach at least this lesson: critical and enduring solidarity between us and among us on substantive terms will be key in the effort to sustain and advance the programmatic production of critical and outsider knowledge and scholarship moving forward. As with sustainability in general, the continual and proactive nurturing of substantive and principled solidarity across multiple sources of difference must remain a mainstay of LatCrit plans and programs as we enter the turbulent uncertainties of a third decade.

C. TOWARD A THIRD DECADE: PRINCIPLED PRIORITIES AND PERSONAL PRAXIS

In closing, we offer some potential priorities to help focus and leverage the LatCrit community's capacity for sustainability and solidarity in critical and self-critical ways moving forward in a world of contrived scarcity and multiplying difference. We must start as a community by turning squarely to what lies ahead in the academy and in society, and to reflect on our collective weaknesses to strengthen ourselves as we think strategically about the best ways and means to continue growing our community and effectiveness in the long run. How can LatCrit theory and praxis continue to evolve and ensure social relevance as circumstances become increasingly volatile? How do we enhance solidarity and sustainability through academic knowledge-producing action in times of selective neoliberal austerity

159. *See supra* Parts I and II (on LatCrit concepts and methods informing our approach to programmatic knowledge production during the past two decades).

in legal education that hits justice-minded projects first and most? We end these forward-looking notes by suggesting two potential starting points designed both to help make a difference in our short-term practices and impacts, as well as to help build our capacity for sustainability and solidarity as a diverse scholarly community over the longer term.

1. Social Media and Academic Activism: Virtual Capacity-Building

For all our efforts during the past two decades to build safe spaces, zones, and communities IRL (“in real life”) and through our website’s plethora of resources for teaching and scholarship, we have not concentrated on cultivating a social media presence—until now. But the social media efforts launched this year in conjunction with LatCrit 2015 and outlined below also reflect our recognition of institutional neoliberalism, with its decreasing travel funds, salary stagnation, and other forms of austerity as a new reality for some time to come. Under these emergent and challenging circumstances, it becomes even more necessary to build strong virtual communities beyond our core website resources.

Consequently, beginning with LatCrit XX, we have developed and maintained a consistent social media presence via Facebook and Twitter to communicate and engage with the larger LatCrit community between gatherings and safe spaces.¹⁶⁰ Although situationally necessary, these efforts enable us to become not only participants in social media but also producers of media content—media content from an antisubordination perspective that serves to introduce LatCrit theory to new audiences and generations. Over time, this expansive outreach effort can facilitate both sustainability and solidarity for the LatCrit community in myriad organic and programmatic ways as we incrementally widen and deepen the circles of shared values and aspirations toward a post-subordination society with equal justice for all.

This effort, to take the key insights of OutCrit knowledge production to broader sectors of society, acts directly on the longstanding recognition that we, as a community, must be proactive,

160. For background on the urgency of “next steps” like these, *see* Mahmud, Mutua & Valdes, *supra* note 4, at 394-400.

and programmatic, in better linking Academy to society; but the means—social media—engenders new questions of praxis and efficacy. No doubt, our incipient efforts to use social media intentionally as a form of public education will unfold organically over the next several years, as is always the case, and as we accumulate experience and expertise. But, as with Campo Sano and the Critical Justice Coursebook, these new efforts put the programmatic initiative in OutCrit hands as we carry our shared work forward into a third decade.

2. Social Impact Advocacy: Centering Critical Justice in Law, Education, and Society

In moments of manufactured “crisis” with very real consequences’,¹⁶¹ we can—and must—accentuate law and lawyering as the means and justice as the end. From a LatCrit perspective, a new educational paradigm must be crafted from the historically discredited ordering of legal education to challenge increasingly documented and understood systemic inequities based on race, gender, class, and other identity categories as well as their intersectional interplay.¹⁶² In this re-ordering, the teaching and practice of “social impact advocacy” and related KSAVs, as described above,¹⁶³ provide a coherent framework for re-centering justice in legal culture and its interplay with other social institutions.

This re-centering of justice must, in turn, center key OutCritical insights on injustice. This re-centering, which we call the centering of critical justice, must focus legal training on understanding and combatting systemic forms of subordination. At this point, we see cannot doubt, that the KSAVs necessary for effective social impact advocacy in systemic frameworks depends in no small measure on knowledge produced by LatCrit and OutCrit scholars during the past two decades, including critical insights relating to practice and activism.

161. See *supra* notes 115-17 and accompanying text (on “crisis” construction in legal education).

162. *Towards an Outcrit Pedagogy*, *supra* note 11.

163. See *supra* Part IV (on social impact advocacy and the Critical Justice Coursebook); see also *infra* Chart E (on the KSAVs).

But as we have discussed elsewhere, “the transformation of legal academia . . . can only be achieved through a deliberate effort, deliberate in more than one way.”¹⁶⁴ Systemic transformation has to be intentional because it requires recognition of how the current business or professional industry, consisting of law schools, has failed outsider groups in part by drifting away from justice as an anchor aspiration of the profession. It must also be “deliberative, as it requires an ongoing conversation that integrates outsider groups into the construction of the future of legal education. And it must finally be *un ejercicio de liberar* (of liberation) in the sense that it has to promote anti-subordination as a goal.”¹⁶⁵ As the past two decades show, LatCrit theorizing—and praxis—must continue to play important roles in the programmatic production of legal scholarship not only to help advance OutCrit studies and networks but also to help center critical justice in shaping the future of legal education, discourse, and culture.

As these concluding notes on antisubordination, self-sustainability, critical solidarity, and institutional priorities indicate, our third decade of collective and programmatic knowledge production will demand that we continue to innovate ideas and practices that both develop OutCrit studies and networks as well as our capacity to continue acting with self-critical autonomy in that very work from decade to decade and from generation to generation. *Programmatic* work, by definition, requires not only the collaboration of numerous individuals, but also the marshaling and coordination of substantial material and logistical resources, over long periods of time. The capacity to mount these efforts annually—or even more frequently—is no mean feat. And the recurrent publication of accompanying legal scholarship entails that much more in the commitment and coordination of human and other resources. The “motley crew” and succeeding generations of critical and outsider scholars who have managed during these past two decades to sustain the kindling of programmatic knowledge production as described above now stand poised, at the threshold of a new and third decade, facing perhaps our most challenging—and promising—times yet. What we do with the coming decade shall once again, as always, reflect both our circumstances and our will. But if history holds true, the LatCrit community will engage the challenges to come with

164. .See *Challenges to Justice Education*, *supra* note 102, at 230.

165. *Id.*

creative resilience, grappling both with our circumstances and limitations to improve social realities as well as to ground our own work in substantively principled, and expressly articulated, values, functions, guideposts, and postulates.

VII. CONCLUSION

LatCrit's twentieth anniversary conference, like those before it, was defined by the organic yet programmatic blending of community building and critical exchange. Programmatic innovations from earlier moments continue to yield antistatist dividends, both in the form of critical knowledge and coalitional community. As the body of scholarship and community produced through programmatic action reviewed above indicates, the first two decades of LatCrit theory poise rising generations of scholars to meet the coming challenges of the third.

Fostered through the rigors of annual meetings, occasional retreats, and continual community engagement at a variety of conferences, LatCrit has forged its own culture of outsider academic democracy. Key to this cosmopolitan culture seems to be a shared understanding, among junior scholars particularly, that LatCrit maintains a supportive and nurturing community space, or zone, even while it embraces the contradictions inherent to an organization that encompasses many self-critical perspectives and a virtual rainbow of Latina/o and non-Latina/o allies from across academy and society. It is precisely this democratic approach to programmatic knowledge production and community building that now positions us to focus on the material and human dimensions of sustainability and solidarity across identities and generations. But, as is always the case, what happens next depends on what we do and do not do, both individually and programmatically.

During these past two decades, the LatCrit portfolio of community projects has provided a flexible and durable framework for collaborative, programmatic actions that connect the production of knowledge to the cultivation of coalitional networks and initiatives in ethical and enduring ways. Through varied acts of programmatic knowledge production, LatCrit scholars have shown how projects that self-critically combine continuity with expansion can yield progression, intellectually and politically, across multiple borders of

difference, even in hostile times and environments. Our two decades of experience fusing knowledge production and community building through our portfolio of projects now position us to deploy our gains, capacities and resources to meet the challenges and complexities ahead of, if not already upon, us. To meet the challenges of a third decade, LatCrit and allied scholars must leverage in new and old ways the knowledge, community, and institutional resources we have accumulated since the mid-1990s to deepen relations of principled solidarity in the service of self-sustainable antistubordination praxis.

As this account makes plain, intellectual, material, and human resources must come—or be brought—together to catalyze and sustain the programmatic production of OutCrit knowledge, networks, and action. The strategic planning and intergenerational transitions of recent and current years therefore must be understood only as links in the chain of collective will and action that characterize our approach to scholarship and/as community, and that set the stage for a third decade of academic democracy and activism. Although the gains of the past remain fragile, our record of marshaling the portfolio of projects to fuse knowledge and community now situates us to deepen and expand this work across generational transitions that can thicken our programmatic capacity for substantive solidarity in the service of OutCrit self-sustainability despite the ascendancy of neoliberal austerity in legal education and beyond.*****

***** Editor's Note: this Afterword was taken verbatim from Charleston Law Review's publication for purposes of producing a cohesive joint-issue for LatCrit XX. See Sarudzayi M. Matambanadzo, Francisco Valdes, and Sheila I. Velez-Martinez, *LatCrit Theory @ XX: Kindling the Programmatic Production of Critical and Outsider Legal Scholarship, 1996–2016*, 10 CHARLESTON L. REV. 297 (2016).

CHART A

THE LATCRIT CONFERENCE: HISTORY AND PUBLICATIONS,
1996-2015

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).*
 17. *LatCrit 2013: First Biennial Conference*: Chicago, IL, October 3-6, 2013; Symposium, *Resistance Rising: Theorizing and Building Cross-Sector Movements*, 12 SEATTLE J. SOC. JUST. 913 (2014)
 18. *LatCrit 2015: Twentieth Anniversary Conference: Critical Constitutionalism*: Anaheim, CA, October 1-3, 2015; Symposium, *Critical Constitutionalism: Social Justice Change and Outsider Legal Studies*, 37 WHITTIER L. REV. (forthcoming 2016) and 10 CHARLESTON L. REV. 173 (2016).

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), and has since met twice: in 2013 and, marking our twentieth anniversary, in 2015.

CHART B

INTERNATIONAL & COMPARATIVE LAW COLLOQUIUM:
HISTORY AND PUBLICATIONS, 1996-2015

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: HISTORY AND PUBLICATIONS, 2003-2016

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), <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. INTERAMERICANA 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*, 5 J. RACE GENDER & POVERTY 71 (2014).
 11. *Towards an Education for Justice: South-North Perspectives*, Bogota, Colombia, 2014; *Symposium, Challenges to Justice Education: South-North Perspectives*, 9 CHARLESTON L. REV. 213 (2015).
 12. *Leading from the South: Politics of Gender, Sex and Sexualities*, Santo Domingo, Dominican Republic, 2016; *Symposium, Leading from the South: Politics of Gender, Sex and Sexualities*, (PITTSBURGH J. ENVTL. PUB. HEALTH L., forthcoming 2016).

CHART D

STUDY SPACE SEMINAR (SSS): HISTORY AND PUBLICATIONS, 2007-2015

1. Entering the 21st 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*, 12 SEATTLE J. SOC. JUST. 913 (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. 139 (2013).
6. Comparative Systems in Law and Society, Havana, Cuba, 2013 (no publication).
7. Corporations, the State, and the Rule of Law, Guatemala, 2015; Symposium, *Corporations, the State, and the Rule of Law*, Symposium, *From Extraction to Emancipation: Reimagining Development for Guatemala* (forthcoming 2017).

CHART E

META-KSAVS FOR SOCIAL IMPACT ADVOCACY

Lawyers engaged in social impact advocacy must be excellent practitioners to begin with, but they also must possess additional knowledges, skills, attitudes, and values (KSAVs) to be effective professionals. These additional KSAVs focus on values and ethics in situations defined by extreme differentials in power, identity, perspectives, cultures, and goals. The five meta-KSAV's listed below encapsulate these social justice bottom lines:

Professional Values and Ethical Practice

Root your professional identity and practices in anti-subordination values.

- identify the workings of power and hierarchy in your professional relationships and practice;
- critically analyze the relationships and effects of power;
- critically assess the imposition of authority, the pressure for conformity, and the opportunities for action;
- question authority and be skeptical of conformity as a preferred mode of lawyering;
- act to promote systemic reforms through a wide array of professional practices.
- Be aware of the unique ethical and moral dilemmas of critical justice lawyering

Social Change and Theory

Understand social change theory, public interest/social justice organizations and sector; be conversant in the approaches, critiques, and language of movement lawyering

- need to understand systemic and structural forms of analysis and related vocabularies
- students should be able to back up knowledge with demonstrated commitment in some way
- understand politics and power and how to map strategies based on knowledge
- be aware of complexities of coalitions and have realistic

- expectations about difficulties and pace of change
- have critical lens about legal system
- have some knowledge of organizing, range/coordination of tactics and objectives of client-groups
- use humanizing words to describe clients, communities, and marginalized groups
- understand human rights issues to be domestic as well as int'l

Complex analysis and problem-solving

Breaking down complex or unusual assignments/tasks/problems into step-by-step plans

- connecting non-obvious dots creatively
- resourcefulness
- learn to evaluate risk and to strategically assume it;
- planning
- non-traditional research skills/ inter-related levels/sources of law and legislative processes
- show that attitudes of commitment/compassion can be effectively translated to action
- show ability to work independently or in teams to take on tasks
- take advantage of experiential opportunities to gain skills
- develop strategic judgment to develop and pursue systemic social change actions;
- learning/understanding the relationship of individual problems or cases to local communities, causes, and affiliated networks of stakeholders;
- knowledgeable about the complexities of social issues, current events, and developments in law and politics;
- familiarity with the relevant political landscape and navigating relevant bureaucracies;
- resourcefulness in research;
- identifying and analyzing multifaceted systemic problems;
- developing tactics and strategies for multidimensional advocacy campaigns and projects that promote systemic solutions
- adaptability to work in unorthodox situations with scarce

- resources;
- learn from and collaborate effectively with organizers.

Cultural and technical competence

Create and manage conversations and relationships necessary to move work forward

- be able to start and strategically manage conversations with people from poor, homeless individuals to judges to legislators
- be able to hold substantive conversations and gather information in chaotic or “on the street” settings as well as in structured client interviews and others settings
- carry stories and needs of clients and client communities effectively into legislative and other processes
- have some intensive client contact during school through clinics or externships
- no “othering” of clients
- understand cross-cultural, cross-class communications
- managing time, balancing, prioritizing;
- multilingual fluencies;
- maintaining focus and calmness consistently and in stressful situations;
- solid legal skills grounding—mastery and command of legal and nonlegal background information relevant to multidimensional analysis and advocacy in systemic problem-solving
- developing resourceful research skills for gathering facts (interviews, documents, clients, witnesses), finding relevant law, and utilizing social information (statistics, studies, stories);
- writing and editing in clear, concise, complete, plain language with professional presentation;
- develop oral advocacy and multimedia communication capabilities;
- combining flexible, consistent, open, and effective communications practices, modalities, and styles (policy briefs, client letters, electronic media—and from informal “5th grade level” to full formalities);

- teamwork across difference (identity; social and legal work; interdisciplinary collaboration);
- preparation;
- be able to build relationships, not just be someone in ivory tower who visits to get an experiential benefit
- know how to listen and use questions to draw out info

Sustained, critical self and situational awareness

Be self-aware, self-starting, and flexible

- show willingness to do whatever is needed, have no sense of entitlement
- don't have a sense of professional identity around being "elite"
- learn to "center" others, their concerns, and their ways of communicating
- take thoughtful risks, and be prepared for pushback
- be able to learn from others in many situations using empathy, humility, and creativity
- engage regularly in self-reflection and critical reflection
- engage in individual and community practices that enable you to maintain hope in the face of adversity
- empathy, kindness, compassion, patience, open-mindedness
- authentic curiosity about others
- thoroughness and reliability on follow up
- ability to deal with disappointment, difficult clients and/or coworkers, and others, inefficiencies and corruption in systems, negative feedback
- careful, nonjudgmental listening and observation skills and mastery of detail