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Introduction to Panel Five: The Inter-Subjectivity of Objective Justice: A Theory and Praxis for Constructing LatCrit Coalitions

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Four years ago, I wrote at length to challenge the notion that the proliferation of competing political identities and communities would destroy the moral consensus upon which any social institution relies in defining the meaning and achieving the reality of objective justice.[1] Rather than destroying any fundamental moral consensus, I argued that the proliferation of political communities was humanity's first best shot at overcoming the forms of blindness that obstruct the achievement of objective justice by imprisoning us each in the limited consciousness of our own particular histories and contingent positions. Indeed, I then argued and still believe that objective justice is best understood and most likely to emerge only through the practice of collective inter-subjectivity. At that time, I directed this argument at the white male power elite whose interests seemed most invested in resisting this proliferation of the political.

My purpose was to challenge the rhetorical maneuvers through which legal interpretation enables the concentration and monopolization of institutional power. In that analysis, it became painfully apparent that the concentration of representational power in white male union elites was produced through a rhetorical

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1 Elizabeth M. Iglesias, *Structuures of Subordination: Women of Color at the Intersection of Title VII and the NLRA. Not!*, 28 HARV. C.R.-C.L. L. REV. 395, 473-78 (1993).

structure that suppressed minority claims for substantive justice and self-representational power as expressions of special interest politics that threatened the representational arrangements through which collective action could secure the "common good." Put differently, the argument was that minority self-representation would destroy the "community" upon which collective agency depends. Thus, instead of the power of self-representation, the union's duty of fair representation would have to suffice. The assumption, of course, was that inter-group justice could be achieved despite a palpable and obvious imbalance of institutional power across different racial groups or, more specifically, that the project of eliminating racial subordination in the workplace did not require a redistribution of institutional power because white male union representatives could make objective determinations as between the competing interests of different racial groups (though non-white representatives could not be equally trusted).

The four presentations in the final panel of this first ever conference on LatCrit theory prompt me to revisit this analysis because they all reflect, in one way or another, an underlying conviction that LatCrit theory must attend to inter-group justice claims precisely because the struggle *against* subordination is and must be a struggle *for* objective justice. Indeed, this final panel entitled *Latinas/Latinos and Inter-Group Jurisprudence: Building LatCrit Coalitions* raises the same imperative that remains at the center of the controversy over representational power and collective action: we need to articulate a conception of objective justice that enables us to acknowledge inter-group justice claims, not as an expression of special interest politics, but as integral to the way we understand and effectuate the "common good." From this perspective, each of the four interventions provides a distinct perspective on how we might conceptualize and begin to resolve the inter-group justice claims that bear most directly on our common project of advancing the anti-subordination agenda of LatCrit legal theory and praxis.

Thus, even as Professor Román calls on Latinas/os to avoid

undue emphasis on our differences, Professor Yamamoto's intervention makes a similarly compelling case that no group's liberation should or ultimately can go forward on the backs of any other group. Professor Román reminds us that Latina/o communities share a common history of oppression and urges us to forge a pan-ethnic political identity that can facilitate our recognition of commonalities and enable us to resist the pull of factionalism that only produces further marginalization. Similarly, Professor Yamamoto urges us to see our commonalities with non-Latina/o communities. When, for example, minority legal advocates seek to advantage their particular client group by deploying anti-affirmative action arguments at the expense of other subordinated groups, they only re-fortify and legitimate a legal apparatus that they can hardly expect to liberate their group. Their complicity in the reproduction of the other's subordination also destroys the possibility of inter-group political solidarity, a solidarity at once crucial to effective collective action and impossible if self-interest reduces the struggle against subordination to a barely disguised form of tribal factionalism. The important point is that rather than proposing to combat this dynamic by suppressing the underlying claims or disorganizing and demobilizing the groups that assert them, Professor Yamamoto offers four concrete suggestions for centering the resolution of inter-group justice claims, enabling us to both critically interrogate and encouraging us to actively resist the policies and practices that divide us.

Indeed, the project of achieving effective political coalitions between subordinated groups requires us to make the resolution of inter-group justice claims a central focus of attention. Like Professor Yamamoto, Professor Cox provides some helpful suggestions on how we might begin to do this. Her moving account of her own internal struggle to find a balance between the equally felt need to construct her political community both by excluding and by including non-lesbian "others" leads her to articulate what I can best describe as an ethic of empathetic imagining. Centering inter-justice claims presupposes and can be substantially furthered by a

conscious effort to see your own subordination in the subordination of others. Thus, Professor Cox draws on her experience as a white lesbian speaking at the first ever LatCrit conference to show exactly how her own presence enabled her to see herself in the struggle against Latina/o subordination, even as she challenges us reciprocally to see ourselves in her struggles against homophobic injustice.

Professor Culp's intervention strikes a similar theme. As an African-American, the LatCrit movement is a project worth his involvement and support because the struggle for Black liberation, like any other anti-subordination struggle, is a struggle for *objective justice* precisely at the point where it intersects with and invests in the struggle against the *othering* of any other human being. Rather than diluting the struggle for racial justice, the emergence of LatCrit theory, QueerCrit theory and FemCrit theory increases our collective understanding of the methods, manifestations and modalities of white supremacy, as well as calling us to deepen and expand our understanding and commitment to an increasingly more inclusive vision of justice by listening to each other. Indeed, involving ourselves in each other's struggles is a powerful strategy for combating the practice of de-legitimation and marginalization Professor Culp aptly names the "scholarship of dismissal." Through our mutual involvement and engagement, we expand each other's communities and become each other's audience.

In sum, each presenter offers a different perspective on the political strategies and normative commitments that will help make LatCrit theory a jurisprudence of inter-group justice. My own feeling is that achieving the common good -- in and through an acknowledgment and reconciliation of inter-group justice claims -- requires both the kind of active engagement and empathetic imagining a number of the presenters advocate, but even more, it requires us to invest our energies and commit our resources -- intellectual, spiritual and material -- to achieve the actual, concrete and institutionalized empowerment of "the other."

There can be no objective justice in any context where inter-

group justice claims are silenced, because objective justice is only achieved in and through the collective subjectivity of a genuinely inclusive community. At the same time, the commitment to objective justice is not simply a commitment to listen. It entails instead, a profound commitment to actively promote the redistributions of power that are necessary in any given context to ensure that claims of subordinated groups can be spoken in a way that commands attention. Anything less is, at best, bad faith -- the hypocrisy of a would-be representative, who struggles not for justice but to concentrate and monopolize power behind self-serving images of the common good and the offer of virtual representation. There must be real institutional power behind our/their claims of justice.

From this perspective, the panel presentations, both individually and cumulatively, demonstrate the value of a theory and praxis that seeks objective justice through the practice of collective inter-subjectivity. They help us map out the many different institutional contexts, as well as the social and jurisprudential spaces where subordination is produced -- a map that will guide us well into an uncertain but hopeful future.