



The LatCrit Monograph Series

A Project of LatCrit, Inc

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**LEGAL REFORM AND SOCIAL JUSTICE:
AN INTRODUCTION TO
LATCRIT THEORY, PRAXIS AND COMMUNITY**

ABSTRACT

This Monograph provides a general overview of LatCrit theory as a genre of contemporary critical legal scholarship. But as the Monograph explains, LatCrit theory self-consciously does not limit itself to law or to scholars: students, activists and other interested parties from various disciplines, backgrounds and regions, help to constitute LatCrit theory as a collective enterprise in every respect. The ties that bind this fluid group together are a shared commitment to anti-subordination purpose and praxis. The Monograph begins with a brief account of the jurisprudential context for the emergence of LatCrit theory in 1995, and then briefly describes the origins and evolution of this enterprise since then. The Monograph then briefly describes both the substantive themes and programmatic methods that have become LatCrit hallmarks in recent years, including the community-building and institution-building aspects of the project. The Monograph concludes with a summary of LatCrit projects and plans. Ideally, this Monograph will encourage likeminded persons to join in LatCrit theory, praxis and community-building. For more information, please contact the author.

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INTRODUCTION

Conceived at a 1995 colloquium on Latinas/os and critical race theory, “Latina/o Critical Theory” (LatCrit) is a scholarly movement responding to the long historical presence and enduring invisibility of Latinas/os in the lands now known as the U.S. Most recently, LatCrit theory and praxis have expanded beyond the U.S to investigate in coalitional ways the comparative, transnational patterns of subordination reflected in local as well as global contexts. A distinctive feature of LatCrit theory and praxis is community-building based on shared principles, ethics, practices and aspirations: LatCrits work both to create scholarship and activism through community and to create community through scholarship and activism.

What, then, is “LatCrit”? The name combines two signifiers, one focused on a social identity and the other on an analytical stance: “Lat” stands for “Latinas/os” and “Crit” stand for “critical.” When the two are put together, “LatCrit” stands for “Latina/o Critical Theory” – one among several “outsider” strands of contemporary “perspective” jurisprudence in the United States.ⁱ

Today, the “LatCrit” approach to law and theory, to justice and society, includes a collection of principles and practices that have been assembled largely, though not exclusively, from two main sources: (a) the prior jurisprudential experiments of “critical legal studies” and associated movements; (b) eight years of experience with the “LatCrit” experiment, which began in 1995. As shaped by these principles and practices, LatCrit theory, praxis and community represent individual and collective commitments to the vindication of civil and human rights globally. This Monograph, one in the LatCrit Monograph Series, is intended to provide an introductory overview of “LatCrit” theory, community and praxis, and to welcome newcomers to our gatherings, projects, activities and plans.

As with “Latinas/os” and other social categories, LatCrit is a loose and multiply diverse category – a group of activist scholars and like-minded persons from different locales, backgrounds and disciplines committed to social justice via law reform. No doubt, then, different “LatCritters” could and would provide different accounts of our collective projects and plans.ⁱⁱ Recognizing this rich diversity of viewpoint within the LatCrit community, this overview Monograph describes in general terms only the common themes or basic elements associated with the LatCrit project over the past decade or so.

After reviewing this introductory account, please visit our website at www.latcrit.org for more information about LatCrit theory, praxis and community or contact LatCrit directly at latcrit@law.miami.edu.

Thank you very much for your interest in LatCrit theory, community and praxis – we hope to cross paths soon, and often!

I.

BACKGROUND, HISTORY AND CONTEXT:

JURISPRUDENTIAL ROOTS, PRECURSORS AND AMBITIONS

During the mid-to-late 1980s, various new strands of jurisprudence arose from within the legal academy of the United States that, intellectually, were connected to “critical” or “realist” jurisprudential traditions. These various strands of “perspective” jurisprudence sought to interject “missing voices” into socio-legal discourse and contemporary policy-making. Focused on “identity” critiques of established law and theory, these various strands of perspective jurisprudence focused on the ways in which “gender” and “race” or “ethnicity” are embedded in the legal doctrines and regimes that govern society. Many of these “perspectives” were specifically identified with “outsider” groups – that is, social groups defined by social constructs like race and gender, which have been used historically by dominant “in-groups” to create privilege and wealth for themselves through the exploitation of the “out-groups” they controlled in part by Law. Thus, feminist legal theory and critical race theory are among the earliest kinds of “outsider perspective” on law and policy that build on the “realist” and “critical” records of the 20th century including, most recently, the record of “critical legal studies” (“CLS”).

About half a century earlier, during the 1930s, the realist school of jurisprudence held that “law” – especially in the form of judicial opinions that decide cases and establish binding rules – resulted more from a judge’s “hunch” about right and wrong than from a fixed system of neutral rules or objective principles being applied impartially by detached jurists. In this view, judges decide “questions of law” on the basis of their acculturated beliefs about society; they then turn to the rules of law retrospectively to justify their hunch-based decision, and to dress it up in the language and technicalities of the Law. Emphasizing empirical studies about Law’s social effects, the “realist” perspective challenged the established “formalist” viewpoint, which held that “law” was an autonomous science, standing apart from the rest of society and consisting of fixed rules or principles that judges “discovered” and applied consistently according to pure “reason” and deductive logic.ⁱⁱⁱ

The critical legal studies movement, emergent during the late 1970s-to-early 1980s, helped to develop more fully the realist concept of the “hunch” and to further interrogate the “indeterminacy” of the law in its social applications.^{iv} The CLS Critics observed that, because the application of legal rules to concrete situations or issues typically allows for substantial decisional discretion, the meaning of the “law” usually is bound to be indeterminate. Under these prevailing circumstances, judges usually will have the opportunity to decide cases on the basis of personal predilection, and then to find a justification for their decisions based officially on the accepted sources of Law. To make their point, the CLS Critics showed time and again how legal doctrine is incoherent; how legal doctrine does not “logically” represent a disinterested or “objective” application of fixed neutral principles. Rather, the 1980s Critics of the CLS movement showed time and again that inter-group politics or cultural ideology seemed better to explain the results of cases. Law is an instrument of the ruling classes for social cooptation, domestication and exploitation.

This CLS “deconstruction” of the law’s legitimacy and objectivity, while focused chiefly on the processes of appellate adjudication, was devastating to established models of legal culture, which depend(ed) on a sharp distinction between “law” and “politics” in order to sustain the ideal of the “Rule of Law” under “democratic” self-government. Under this ideal, the results of cases must be explicable strictly and substantively by the very factors that the realists and CLS Critics challenged: the impartial application through logical deduction of neutral principles or fixed rules to the issues at hand. The CLS critique was devastating to mainstream legal culture (and the established social interests that it represents) because, in conventional wisdom, the erosion or collapse of the law/politics distinction threatens the erosion and collapse of “law and order” itself. As the CLS Critics realized, their work threatened the unchallenged use of Law as a primary means of social control employed by historically dominant in-groups to create and maintain their group status over traditionally marginalized out-groups. For if law is, in fact, mostly or merely politics, why should the parties in a dispute – or the masses of a “democratic” and “free” society – submit to the orders (or “hunches”) of a single (or small group of) elite judge(s)?

Much of this CLS critique went to show how the law was a tool specifically of the wealthy ruling classes to disguise and legitimate their material, socioeconomic exploitation of society’s resources and masses. These Critics, therefore, focused on “class” stratification, and on how legal processes and institutions help to construct or perpetuate class-based hierarchies throughout American society that enrich a few and impoverish the many.

Among those CLS Critics of the 1980s were women and scholars of color, who simultaneously questioned how social identities in the form of “gender” and “race” might operate within and via the Law similarly to “class” – that is, as inter-group vehicles or means of economic stratification and social oppression. Because these “RaceCrit” and “FemCrit” perspectives on law and legal theory strove to represent, or were identified with, various “outsider” groups in American history and society, they soon came to be known, collectively, as “outsider” jurisprudence. Soon, these CLS “outsider” scholars began holding their own meetings because they concluded that the CLS focus on “class” operated in such a way as to preclude the opportunity for the sustained critical study of race, gender and other “identity” constructs in contextual and “intersectional” terms.^v During this period of critical fermentation around law, class, gender and race, emerged both feminist critical legal theory and critical race theory. By the early 1990s, other categories of outsider perspective jurisprudence were also stirring, including critical race feminism, Asian American legal studies, and gay and lesbian legal scholarship. And by 1995, “LatCrit” theory had become one of these “outsider” kinds of contemporary “perspective” jurisprudence in the legal academy of the United States that inherited the cumulative record of realist and CLS jurisprudence.

Like the CLS Critics of the mid-1980s, today’s OutCrits detect a substantial amount of political influence in favor of traditional elites being exercised through “law” in various ways and forms to keep traditionally marginalized groups disempowered. In general, outsider critical scholars take a questioning or skeptical approach to dominant socio-legal arrangements, alert always to the oftentimes-hidden ways in which various kinds of social and legal “identity” – whether in the forms of race, ethnicity, gender, class or sexual

orientation or some other construct – are embedded and combined in ostensibly “neutral” legal regimes. While sometimes “differently” focused, today’s OutCrits generally strive to uncover and combat the use of Law to perpetuate past injustices or to prop up “traditional” hierarchies based on colonial-era conquests, biases or beliefs that continue to privilege neocolonial in-groups. Outsider scholars – like the realists and the CLS Crits – sharply question the neutrality and objectivity of law as an autonomous “science” of fixed principles and instead believe that law operates typically as an instrument of oppression used by ruling classes against the masses. OutCrits, including LatCrits, consequently focus on the uses of Law to catalyze social transformation towards social justice.

This outsider insistence on legal reform and social transformation stems from a comprehensive critique of law and its social uses that effectively builds on the realists and CLS Crits. Today’s OutCrits believe that social hierarchies are “constructed” and “contingent” rather than “natural” or “essential” in character. OutCrits likewise believe that bias and prejudice are widespread, endemic – structural or systemic social problems, and not simply some random individuals with a “bad” personal intention to practice discrimination. OutCrits believe that racism, nativism, sexism, homophobia and similar kinds of neocolonial ideologies, which serve to explain and seek to justify today’s socio-legal inequalities, have been taught and learned over the generations: “traditional” privileges and prejudices have been “institutionalized” as “culture” through generations of conquest and colonialism. These traditions systematically valorize and empower in-groups that, on the basis of race, ethnicity, religion, and other axes of group identity, have been historically associated with the “original” immigrants to these lands: those from Europe, who since 1492 have colonized the continents now known as the Americas – as well as others worldwide.

As a result, “traditional” privileges and disadvantages in Latina/o and other similarly neocolonial communities or societies have been instilled and internalized as legitimate societal norms. Today’s injustices appear to be simply a part of “normal” everyday life, barely noticeable and generally accepted as hallowed “traditions” without any critical questioning that might raise the consciousness of the oppressed. Recognizing the unjust histories and rejecting the slanted politics of dominant traditions, OutCrits question why neocolonial customs and preferences established through colonial conquest still continue to prevail socially – or remain encoded as positive Law – when most modern-day “democratic” societies formally have repudiated the supremacist precepts underlying those histories and embraced “equality” instead. OutCrits question why – and how – “Euro-heteropatriarchy” continues to reign over Law and Society under the formal rule of Equality and Democracy.

As a whole, then, outsider scholars, including LatCrits, seek to employ law as an instrument of social transformation towards social justice worldwide. Outsider scholars have called for a move, from the “anti-discrimination principle” under formal equality, to the “anti-subordination principle” and the attainment of substantive security: the material attainment, in other words, of the social conditions enabling all humans to actualize the “pursuit of happiness” to which all humanity is said to be entitled.^{vi} In current terminology, “substantive security” might fairly be described as the full social and legal implementation of the civil, political, cultural, economic and other human rights already

recognized formally in myriad international instruments of the past half century, but not yet fully implemented anywhere on Earth. Substantive security conveys the realization of a post-subordination society, the ultimate goal of OutCrit and LatCrit undertakings.

II.

ORIGINS AND CONSCIOUSNESS:

“LATCRIT” EMERGES AND COALESCES

Despite the expansion of critical jurisprudence during the 1980s-to-early-90s described above, “Latinas/os” were, for the most part, invisible in those activities and discourses. This discursive absence reflected the demographics of the legal professorate at that time: 94 of 5064 law professors identified as “Latina/o” or “Hispanic” in 1994-95 – just as LatCrit theory was stirring. At the same time, however, news reports increasingly predicted that the 2000 Census would document Latina/o population growth throughout the United States – predictions that were basically confirmed in the Census. Thus, only a few years ago – in 1994-95 – *less than 100 of over 5000 law professors in the United States were Latina/os*, even while the Latina/o population exploded nationally. LatCrit theory emerged at that moment, partly in reaction to this continuing marginality and invisibility of Latinas/os in law, theory, policy and society.^{vii}

This confluence of developments led to a Colloquium, held in Puerto Rico in 1995, on “Representing Latina/o Communities: Critical Race Theory and Practice.” As the theme and title of that gathering indicate, the purpose of that Colloquium was to discuss the representation – or its lack – of “Latinas/os” *qua* “Latinas/os” specifically in critical race theory and, more generally, in the various other strands of outsider jurisprudence then being developed. During that Colloquium, at a festive late-night discussion of the sort that later would become a “tradition” at LatCrit events, the moniker for this project – “LatCrit” – was forged. At the same time, a group decision was made to hold follow-up events, including an annual conference.

As with every naming decision, the name chosen for this one has substantive significance. To begin with, we selected “Latina/o” rather than “Hispanic” because the former category is identified with people of color while the latter is a white-identified, Anglo-invented label that suggests all “Latinas/os” are from Spain, or descended therefrom.^{viii} The racial politics of our self-designation therefore were very conscious, and signaled in part our commitment to the rejection and dismantling of white supremacy and privilege both within and beyond Latina/o communities. Since then, that antiracist consciousness has led us to explore, via LatCrit theory, the multiple “internal” diversities that simultaneously help to constitute multiplicitous “Latina/o” identities. These ever-evolving efforts have helped us to debunk oppressive myths like: all Latinas/os are Hispanic, or white, or Roman Catholic, or heterosexual.^{ix} In social fact, many Latinas/os are not any, or even most, of those things. LatCrit theorists have “centered” and embraced, rather than suppressed or ignored, these sources of intra-Latina/o “difference” as a foundational aspect of our collective work because neglect of these internal diversities serves only to neglect those most in need;

neglect of Latinas/os/ multiple diversities in legal analysis undermines the likelihood that policy initiatives legal reforms actually will improve Latina/o lives in all of their real and concrete diversities.

To consider the absence and prospects of “Latinas/os” in outsider jurisprudence, as this sketch suggests, the Colloquium participants first had to consider the construction of the category itself – its nature, contents and uses. We recognized, of course, that the “Latina/o” denomination encompasses an amalgam of diverse or “different” national origins, races and ethnicities: Chicanas/os, Puerto Ricans, Cubanas/os, Dominicanas/os, Nicaraguenses, Salvadoreñas/os, Colombianas/os, and many more. Therefore, as a starting point for LatCrit theory and praxis, this first Colloquium considered whether “pan-ethnicity” was a coherent or appropriate device to understand and recognize the manifold diversities within the mega-category we called “Latina/o.” The papers of that Colloquium, reflecting the diversity of the participants in that initial conversation, were published by the Berkeley La Raza Law Journal at the University of California-Berkeley, and may be accessed at the LatCrit website: www.latcrit.org; in addition, the citation to this catalyzing symposium is provided in the Appendix to this Monograph.

To approach this and other threshold questions, LatCrits turned to the prior experiences and insights of outsider jurisprudence, and of critical legal studies, because many of the early LatCrit theorists had been associated with various of those movements as well.^x As a result, this new project was able to benefit directly from the lessons of those prior jurisprudential experiments in various ways, both substantive and structural, as discussed in more detail below. Thus, the basic idea behind the origins of LatCrit theory was to begin a multi-year conversation that unequivocally placed Latinas/os *qua* Latinas/os – our “internal” differences *and* commonalities – at the “center” of social and legal analysis – but held by a group of scholars and activists that represent the enriching ranges of diversities from many similarly “different” communities.

Moreover, this conversation consciously situated Latinas/os and our multiple internal diversities in inter-group frameworks. And these frameworks similarly were not limited to “domestic” categories, issues or discourses. Rather, these early LatCrit frameworks were intended from the beginning to include transnational and comparative analysis, as well as cross-disciplinary discourse and collaboration – as the papers of the Puerto Rico Colloquium indicate, and as the Colloquium in Miami the following year confirmed.^{xi} LatCrit theory, therefore, has sought from inception not only to center “Latinas/os” in legal discourse and policy-making, but also to do so in ways that center both our internal diversities and similarities while situating us in inter-group, transnational and interdisciplinary “critical” frameworks. Through these and similar threshold decisions, the LatCrit project has sought to link the particular to the universal, and to map how local or specific *particularities* produce inter-group *patterns* of privilege or transnational systems of subordination.

This new “Latcritical” conversation was officially launched the following May, during Cinco de Mayo Weekend 1996, when the First Annual LatCrit Conference convened in San Diego, California. Following up on the intra-Latina/o question of “pan-ethnicity” from the Puerto Rico Colloquium, this “LatCrit I” conference focused attention on the relationship

of “race” to “ethnicity” among and across Latinas/os as well as other communities of color, including specifically those of African, Asian and indigenous origins. This conference thus sought to build on the Colloquium’s gains in shared knowledge – a conscious effort in programmatic development that, since then, has been refined into the practices through which today’s LatCrits “perform the theory” via the Annual Conferences and newer, related projects. As with the 1995 Puerto Rico Colloquium, the papers from the LatCrit I conference were published as a symposium to help memorialize the proceedings of that gathering. This symposium, published by Harvard Latino Law Review, similarly reflects the diversity of the LatCrit community and conversation from its earliest moments, and likewise can be viewed by visiting the LatCrit website at www.latcrit.org.

This conference-based symposium was quickly followed by an “independent” symposium co-published jointly by the California Law Review and the Berkeley La Raza Law Journal, in which the similar threshold questions of race, ethnicity and nationhood, and of their relationship to law, policy and politics, were further critically explored through similarly diverse collections of papers and perspectives. And reflecting the influence of the international in LatCrit theory from its earliest moments, the first LatCrit Colloquium on International and Comparative Law also was held later that same year in Miami, Florida. As with the prior LatCrit events, the papers from this 1996 Miami Colloquium were published as a special symposium of the Inter-American Law Review at the University of Miami. At the same time, the UCLA Chicano-Latino Law Review published the papers of the LatCrit II conference, followed by the University of Miami Law Review (LatCrit III), the University of California-Davis Law Review (LatCrit IV), the University of Denver Law Review (LatCrit V). The LatCrit VI papers were published by the University of Florida Law Review and Rutgers University Law Review, while the papers of LatCrit VII appeared in the University of Oregon Law Review and the Berkeley La Raza Law Journal. Most recently, the papers from LatCrit IX are set to appear in the Villanova Law Review while the papers of LatCrit X are tentatively slotted for publication in the new LatCrit scholarly Journal (see below, the Portfolio of Projects). The citations for these (and all) LatCrit symposia also are provided under the “List of Publications” in the Appendix to this Monograph, and may be accessed via the LatCrit website. As these publications attest, the LatCrit community has grown both in size and in scope since the early events, yet, as these publications attest, we have continued to investigate and critique the interaction of Latina/o and other identities in law and society, and in inter-group, transnational and cross-disciplinary frameworks within the material constraints of our current circumstances.

Since those early events, as the Appendix to this Monograph also itemizes, LatCrit theorists have sponsored and organized a total of eight Annual Conferences, each of which has produced a special law review symposium. In addition, LatCrit theorists have conducted six colloquia, all of which also have produce special law review symposia. Finally, the LatCrit community also has produced two joint symposia co-published, in each instance, by two journals of the same law schools: the University of Michigan and, as noted above, the University of California-Berkeley. Throughout these events, LatCrit theorists have expanded our early efforts, critically exploring religion, class, gender, language, culture, sexuality, geography, citizenship, and many other vectors of law and life, and how they affect multiply diverse “Latinas/os” – this “multi-dimensional” category, as LatCrit theorists have long recognized, contains many intra-Latina/o diversities axes of identity or

difference. Through these annual gatherings and published works, the LatCrit community has begun to forge the principles and practices that help coalesce us as a jurisprudential discourse and community, and that effectively form an ever-evolving intellectual framework for Latcritical coalitions in the ongoing work of outsider or OutCrit jurisprudence.

III.

LATCRITS AND OUTCRITS:

THE INTELLECTUAL FRAMEWORK

The earliest lessons of LatCrit, as mentioned above, were drawn in great measure from prior jurisprudential experiences. Those roots and precursors etched lessons that are both structural, or relating to method, as well as substantive, or relating to insight and position. Supplemented by personal experience and social history, both kinds of jurisprudential lessons merge in LatCrit events and discourses to help produce LatCrit theory and praxis as a distinctive school of contemporary critical legal theory.^{xii}

Substantively, LatCrit theorists began with the twin principles of anti-essentialism and anti-subordination – both drawn from prior OutCrit jurisprudential experiments.^{xiii} Structurally, LatCrit theorists decided from the very beginning that LatCrit venues would be “open” to all interested persons focused on shared subscription to substantive commitments and practices, rather than small or “closed” events focused on traditional identity categories. Moreover, LatCrit venues would be affirmatively interdisciplinary, and seek to include students and activists as well as scholars. This decision to embrace anti-essentialism and anti-subordination as the substantive point of departure for LatCrit analysis, as well as the framework for the structure of LatCrit discourse and projects, thus coupled substance and structure in the LatCrit annual conferences and similar programs. Over time, this decision to “practice” the theory in the organization of the annual LatCrit conferences and of other similar programs has produced a lively tension between the focus on “Latinas/os” in LatCrit venues and the commitment to multidimensional anti-essentialism in the articulation of LatCrit theory, praxis and community – a “productive” source of tension that we have managed over the years by “rotating centers” and devising similar practices described below.

In the LatCrit scheme of things, anti-essentialism enables critical (and self-critical) mappings of the dimensions, layers and inter-connections of “different” kinds of subordination, thereby helping to show how “different” structures of subordination operate across categories, places and eras as inter-connected systems of subordination that affect many “different” social groups or legal classifications. Similarly, in the LatCrit scheme of things, anti-subordination helps to ensure that critical analysis and exchange always will be geared to social justice uses – to resist and reform any and all systems of social or legal oppression. In sum, then, anti-subordination purpose anchors and steers anti-essentialist analysis in LatCrit theory and praxis.

As this synopsis indicates, three additional insights accompany these twin principles of critical outsider jurisprudence as the LatCrit point of departure: “intersectionality” and “multiple consciousness” and “looking to the bottom” – all of which reinforce the same substantive points. Like anti-essentialism, the first two of these additional insights mandate a transcendence of traditional or formalist categories of law built on a single aspect of a group or person (race versus gender, or class versus race, or sexual orientation versus sex, and the like) while the latter, like anti-subordination, demands alignment with those at the bottom of social hierarchies. Intersectionality and multiple consciousness entail analyses that grasp simultaneously the commonalities *and* particulars of any group or person, even if seemingly contradictory, to better understand the multiple complexities of a particular context. And the technique of “looking to the bottom” as fundamental to LatCrit theory and praxis entails a decidedly anti-subordinationist stance. Thus, in LatCrit theory, the basic principles, concepts and methods pioneered in earlier outsider jurisprudential experiments do not compete or collide; they go hand-in-hand, and ideally are applied in tandem critically and self-critically to fulfill LatCrit theories’ various functions, as described further below.

Building on those and similar prior advances of critical outsider jurisprudence, the early LatCrit conferences and published symposia described above generated seven “guideposts” for the development of LatCrit theory. These guideposts are not static propositions; on the contrary, they are given life – or not – by the practices that we embrace in all that we do. These early guideposts do not delimit LatCrit today; at best, they help to inform and guide our ongoing work. The seven early guideposts were:

1. Recognize and accept the political nature of legal scholarship despite claims or denials to the contrary.
2. Conceive ourselves as activist scholars committed to praxis to maximize the social relevance of LatCrit theorizing.
3. Build intra-Latina/o communities and inter-groups coalitions to promote social justice struggles.
4. Embrace commonalities while respecting differences to chart the design of social transformation.
5. Learn from outsider jurisprudence to orient and develop LatCrit theory and praxis in all settings and efforts.
6. Ensure a continual engagement of self-critique to stay principled and grounded.
7. Balance specificity and generality in LatCrit analysis to ensure contextualized multi-dimensionality as the standard in LatCrit discourse.

These guideposts, in turn, have helped to generate a body of theory and praxis devoted to the following four functions: (1) the production of knowledge; (2) the advancement of social transformation; (3) the expansion and connection of anti-subordination struggles and (4) the cultivation of community and coalition, both within and beyond the confines of legal academia in the United States. These seven guideposts and four functions, collectively, provide a baseline from which to view the cumulative gains and limits of our LatCritical experiments in outsider jurisprudence since the mid-1990s.

Still cognizant of jurisprudential histories and lessons, LatCrit theorists similarly understood from the outset that long-term planning and substantive continuity would be predicates to our joint development of these guideposts and accomplishment of these functions. From the earliest events, therefore, LatCrits have sought to encourage continuity in programming and substance through continuity in the form of personal commitments among multiply diverse individuals to stay involved in our unique Latcritical conversation. Each time we meet, LatCrit theorists strive to ensure a critical mass both of diverse “veterans” who bring shared memories of key moments in past events and of diverse “newcomers” who bring fresh insight and vitality to our collective evolution. Thus, long-term planning and individual commitments to keep “coming back” have been foundational to the origins and growth of LatCrit theory as well.

Over time, LatCrit theorists have worked to develop these insights and tools to forge an intellectual framework for our collective and individual works. This post-intersectional framework emphasizes multi-dimensional analysis to enable anti-subordination praxis across multiple fronts at once. By “multi-dimensional” analysis LatCrits thus mean an analytical approach – and mindset – that goes beyond intersectionality to recognize the co-existence of *multiple* identities and their constant social interaction in the lives of human beings. Multi-dimensional analysis demands recognition of the multi-dimensional diversities that constitute “Latina/o” and similar socio-legal identities. Multi-dimensionality tracks and mirrors the operation of inter-group privilege and subordination along the many axes and multiple intersections of “identity” that remain materially relevant in contemporary law and society. Multi-dimensional projects therefore include consideration not only of the race-and-gender intersection, but also of other familiar axes of identity – such as ethnicity, class or sexual orientation – as well as less-studied categories like geography, ability, seniority and other forms of position that are legally or socially relevant to the design and establishment of substantive security for all persons and groups in a “post-subordination” society.

This sort of analysis, LatCrit have learned over time, must be applied at all times, not only “externally” unto society as a whole, but also “internally” to our own projects and practices. Multi-dimensional analysis applies, in other words, to ourselves as much as it does to others. And whether turned inward or outward, the purpose of multi-dimensional critique always must be to promote and catalyze anti-subordination activism. The goal is to employ theory to catalyze action; to employ LatCrit theory to enable anti-subordination praxis both “internally” and externally by “performing the theory” in all that we do. Over time, LatCrit theorists have become “self-critical” as well as critical.

To “perform the theory” in and through the various LatCrit conferences, colloquia and similar events, we likewise have invented several programmatic devices that remain in constant development. These inter-related devices reflect the substantive and structural jurisprudential lessons, outlined earlier, that have helped to shape LatCrit theory and praxis from the beginning. These devices also illustrate our collective effort to balance or juggle the many demands on our programmatic projects, as well as to manage the productive tensions over the focus of critical inquiry and intervention in LatCrit theory and praxis. Of these, two are especially significant to the generation of “self-criticality” within LatCrit

theory, and both depend on the collective LatCrit commitment to long-term planning and programmatic continuity also noted above.

The first of these devices is the practice of “de-centering” all identities from time to time by “rotating centers” so that our collective focus of inquiry shifts regularly, but always with an eye toward noting both differences as well as inter-connections: this ongoing “rotation” in our lines of collective and programmatic inquiry facilitates the multi-dimensional study both of particularities and of patterns, as described earlier. The second device is the “streaming” of conference programming over a several-year timeframe, ensuring that we continue returning to a given topic until group-wide consciousness has coalesced into shared understandings of it. This practice ensures that important topics like culture, sexuality, indigenous rights, international human rights, democracy, race, gender, mass communications and the like are never raised in isolation; rather, we explore them incrementally each year through a different combination of formats and events that range from keynote addresses to plenary panels to roundtable discussions to action-oriented workshops to focus-group sessions to concurrent events of various sorts and, finally, to works-in-progress presentations and feedback. This second practice ensures that LatCrit programs will develop specific topics for our collective engagement over a flexible and creative multi-year process using varying formats or events at our conferences and similar events to build on each other, fostering a collective progression of critical knowledge-production as a basis for collective social justice action. These two practices, combined, produce multi-year “streams of rotations” that are blended and balanced annually (as best as possible under the exigencies of the circumstances) so that both “newcomers” and “veterans” are included in the conversation and benefited by it.

Yet these practices do not immunize LatCrit events from shortcomings and failures, nor from eruptions or misunderstandings over issues of “difference” and strategy. On the contrary: LatCrit theory, praxis and community are not just gleaming gems. Instead, our conferences and similar events time and again have weathered both spontaneous and programmed controversies, each being difficult to negotiate in principled and solidaristic terms designed to produce both LatCritical knowledge and community out of difference and diversity. These engagements have involved religion, race, ethnicity, gender, sexual orientation and other salient axes of social and legal identity, and their relationship both to Latinas/os qua Latinas/os and to LatCrit social justice agendas. These engagements thus pivot, in great part, on the “productive tensions” that our collective efforts to “perform the theory” have generated as we have struggled with the meaning of anti-essentialism and anti-subordination when applied “internally” to the construction of our own spaces, programs, communities and objectives. These engagements effectively have been the crucible in which we have constructed a sense of ethics and community grounded in shared struggles over shared principles. Without doubt, these self-critical engagements have tested our commitments and integrity. But in each instance thus far, LatCrits have persevered, determined to cultivate a genuine sense of critical coalitional community grounded in anti-essentialist, anti-subordination principles, practices and aspirations.^{xiv} In each instance, we have sought to perform the theory in its ethical application to the issues that arise amongst us – and that threaten to splinter us.

While certainly imperfect, the LatCrit experiment in critical and self-critical praxis has worked, and been worth it, because our practices have been, for the most part, grounded substantively in anti-essentialist and anti-subordination principles. However, only time – and our continued commitments to ethical praxis in collective and individual terms – will tell for how long this fragile experiment in outsider jurisprudential will continue to grow and prosper. LatCrit theory is a project always under construction – and, for many reasons, perpetually fragile. In these complex and exigent times, one certainty faces us today and always: the future of this discourse and community depends, in great measure, on our long-term ability to remain principled while being human.

IV.

LATCRIT PRAXIS AND ETHICS:

SOLIDARITY, COMMUNITY AND COALITION

As the above description suggests, LatCrit theorists have made “community-building” a primary concern from the beginning. This priority is rooted in critical recognition that atomistic “success” – at least as a scholar in a hostile or indifferent environment – can never lead to structural reform, systemic improvement or social transformation. This recognition has been corroborated over the years, time and again, by the many experiences of marginality that scholars of color have documented within the legal academy of the United States, as well as throughout modern-day society as a whole.^{xv} Thus, the community-building imperative of LatCrit theory is another lesson drawn from prior jurisprudential experiments – as well as from the lessons of personal experience and the legacies of neocolonial histories in general – that LatCrit theorists have developed in critical and self-critical ways since then.

Community-building and coalitional theory in LatCrit ethics and praxis encapsulate a recognition that out-groups are unlikely to dismantle the hegemony of Euro-heteropatriarchy unless we act in concert. But LatCrit emphasis on community and coalition also represents a clear recognition that, over the long term, the sustainability of our Latcritical work depends on our ability to hang together in a long-term quest for multidimensional social justice: the sustainability of social action based on critical theory depends on the sustainability of anti-subordination solidarity. And to be solidly substantive, our collaborations must not be limited to strategic convergences of interests, nor to essentialized fictions of a shared sameness: LatCritical solidarity must be grounded in commitments and practices that are substantively principled and mutually shared – in commitments and practices that give rise to inter-group “critical coalitions” in which all participants are recognized and treated as equals, with respect, trust and dignity.

Therefore, the ethics of anti-subordination solidarity in LatCrit theory and praxis necessarily represent the culmination of a collective and reciprocal process of learning and bonding that is grounded both in the intellectual and human resources of the communities and coalitions that we nurture as individuals. In addition to being scholars and activists, LatCrit have learned that, to make a difference, we also must make and be friends. To

sustain the struggles for social justice that we pursue, we must share not only our ideas but also ourselves – in principled *and* mutually caring ways.

But the community-building aspects of the collective LatCrit enterprise extend beyond the establishment of an ethical community to foster inter-group solidarity based on the twin principles of anti-essentialism and anti-subordination: with community and coalitions in place, LatCrit theorists become better positioned only to produce and disseminate critical knowledge to dismantle hierarchies and traditions of oppression but also to transform the very modes of producing legal (and other forms) of contemporary scholarship. Rather than accept or exalt the notion of a solitary scholar working in abstract communion with the abstracted “discourse” of other solitary scholars and their texts, LatCrit theorists have turned to lived encounters with difference as a supplemental source of new knowledge-production: “these past [eight] years have shown that, in a *live* encounter with difference, even the most inspired discourse or penetrating analysis is of limited value without the huge investment of time, energy and dialogue it takes to hammer out common points of reference, create shared experiences and produce the sort of common discourse that makes new insights and understandings possible – insights that really enable us to grasp the things that we can (and do) agree on – despite our differences; the things we continue to disagree about – oftentimes because of our differences; and the new issues that never crossed our minds until our encounters across difference prompted deeper reflection and opened new unexpected perspectives.” We have learned, in other words, that atomistic traditions of producing legal scholarship are not the only, nor even the best, ways of producing anti-essentialist theory, much less performing anti-subordination praxis.^{xvi}

Throughout this time, we therefore have insisted on recognizing the legal academy itself as an important site of power, and thus of anti-subordination struggle. We have sought to link in common cause with community activists “on the streets” – as well as with critical scholars in other disciplines and agents of social transformation around the world – because we remain keenly aware that we are the representatives of traditionally subordinated communities within the privileged corridors of (legal) academia. We are critically aware of the opportunity and responsibility to combat systems and patterns of subordination within the structures of academia, as well as throughout the general society that they serve. The work that we do in planning the Annual Conferences, publishing the annual law review symposia and sponsoring the various other projects discussed below, is, in our view, a form of praxis that we are uniquely able and obliged to undertake as LatCrit and Outcrit scholars within the (legal) academy of the United States. Through these activities, we seek to exert liberational influences that we are uniquely positioned – and therefore obliged – to undertake.

As this summary illustrates, building community and coalition are multi-faceted efforts in LatCrit theory and praxis. With these as well as with other commitments, LatCrits perform the theory in and through the practices that shape our gatherings and discourses to yield knowledge and action. Through these ongoing efforts, and in conjunction with all others that we undertake, LatCrit theorists seek to incubate insights and advances toward a post-subordination society.

V.

INSTITUTION-BUILDING:

LATCRIT INCORPORATES TO OPERATE

To maximize the impact and potential of our individual and collective work, both within and beyond the legal academy, LatCrit theorists most recently have moved from being a diverse “community” of self-selected individuals to a formal “organization” incorporated under the laws of the state of Florida (USA) as a not-for-profit educational institution.^{xvii} The immediate and primary motivation for incorporation was to ensure a stable and independent institutional platform for the planning and sponsorship of the Annual Conferences and symposia. However, the corporate entity has enabled LatCrit theorists to branch out with new projects, which are presented below. Increasingly, this new corporate organization – LatCrit, Inc. – has served as the formal crucible for the LatCrit community to deepen and broaden our collective projects and hopes.

As with other LatCrit endeavors, the act of incorporation was a collective process designed to help build a sense of community. Thus, LatCrit’s incorporation was a two-step process: first, the Conference Planning Committee for the LatCrit IV conference in 1999 formed a subcommittee to research incorporation and establish the basic corporate form; second, the incorporation papers, including the corporate bylaws, were circulated at the LatCrit IV conference for group-wide feedback and subsequent finalization of the corporate documents. This year-long process produced the entity that today serves as the vehicle for the expanding activities of the increasingly diversified LatCrit community.

As a result, a Board of Directors that represents the many diversities of the LatCrit community operates LatCrit, Inc. and oversees its expanding menu of activities. The Board meets in person annually during the conference, as well as periodically electronically, to discuss and decide pending or new issues, and to designate corporate officers in accordance with our bylaws. Under this arrangement, day-to-day operations are managed by the two or three LatCrit, Inc., Co-Chairs – presently professors Angela Harris, Berta Hernandez-Truyol, and Francisco Valdes – together with two other corporate officers: a Secretary and a Treasurer. In addition, the Annual Conferences are planned by overlapping Conference Planning Committees with various sub-units of organization. This basic organizational scheme is illustrated by the Organizational Chart included in the Appendix attached to this Monograph. Now in its third year of operation, LatCrit, Inc. has established flexible channels for collaborative projects, and is well positioned to begin grant-writing projects.

It bears emphasis, however, that the corporate form is another site in which the LatCrit community seeks to “perform the theory” in critical and self-critical ways, and in keeping with the foundational commitments to anti-essentialism and anti-subordination. Once the process of incorporation had produced finalized corporate documents, the Board and Co-Chairs were faced immediately with giving content to the concerns and aspirations that had guided that process in various ways that call for careful and self-critical attention to the

cultivation of communal corporate norms; since 1999, the decisions of the LatCrit corporation have challenged the Board, the Co-Chairs and other involved individuals to develop plans for managing competing priorities, transitions in officers, elections to the Board, and other basic aspects of corporate governance or collective self-reproduction that demand ethical LatCritical praxis. In each instance, LatCrits have consciously sought to apply our principles to the tough and complex questions raised by pending decisions; in each instance, the Board and other concerned persons have sought to employ the corporate form as a tool in our collective anti-subordination arsenal. Incorporation, while a means to varied ends, thus represents yet another substantive illustration of LatCrit praxis – our ongoing efforts to build a multiply diverse community of individuals from “different” groups on the basis of shared commitments and practices.

VI.

LATCRIT TODAY AND TOMORROW:

THE PORTFOLIO OF PROJECTS, PUBLICATIONS AND PLANS

[for more up-to-date information on projects, please visit the LatCrit website]

As the above account indicates, LatCrit began with a primary focus on knowledge-production for anti-subordination action. Thus, the Annual Conferences and law review symposia are the most developed projects of LatCrit, both as a community and as an organization. In particular, the List of LatCrit Publications presented in the attached Appendix sets forth the texts that comprise the best record of our collective work since 1995. But, as the above account also indicates, the LatCrit community has produced over the years a lively portfolio of projects and plans that go beyond those original publication-oriented activities. This “portfolio of projects” is briefly outlined below, presenting the various projects and events according to their respective stages of development to provide an overview of both the current status quo and developmental history of this collective portfolio. As a set and individually, these varied projects and events illustrate the kinds of praxis that the LatCrit community has undertaken, as a group, since 1995.^{xviii}

ACADEMIC EVENTS AND COMMUNITY PROJECTS:

- The *Annual LatCrit Conferences* (ALC), now in their tenth year, are designed to spur the critical, cross-disciplinary study of Latinas/os as a multiply diverse and transnational social group, and in relationship to other social groups subordinated socially and/or legally. The conferences are planned ahead in two-year cycles: LatCrit X, hosted by Inter-Americana Universidad, Facultad de Derecho (IAUPR), will meet in San Juan during October 6–10 2005. Fittingly, Puerto Rico was the site of the 1995 Colloquium on Latinas/os and Critical Race Theory that sparked “LatCrit” a decade ago. The Annual Conferences are organized by a Project Team, and membership is open to anyone. The Annual Call for Papers, Panels and Participation is issued each spring and posted to the LatCrit website for easy reference.

- The *Annual Jerome McCristal Culp, Jr. Lecture on Law, Policy and Society* (JCL) is a new community event scheduled for inauguration during the upcoming LatCrit X conference in October 2005. This lecture series honors founding Board Member Jerome Culp, who passed away in 2003, and is designed to ensure a substantive continuation of his work in the areas of law, policy and socioeconomic justice. To help launch this lecture series, the LatCrit X conference theme is devoted to this topic as well. The annual lecturer will be selected by a committee, and the lecture will be published in *Clave*, LatCrit's academic journal (see below).
- The *Annual LatCrit Planning Retreat* (APR) was inaugurated in conjunction with LatCrit VI to provide a space for short, medium and long term planning. Each year since, these planning Retreats have met in small plenary sessions immediately after the Annual Conference at a nearby site to develop specific projects or proposals. Like the Annual Conference, the Annual Planning Retreat is open to all interested folks (invitations and notices are included in various mailings soliciting interest and participation). Persons interested in programmatic development should plan to join us at these Retreats because much of the community-building and institution-building work is accomplished in these small-scale sessions.
- The *Annual LatCrit-SALT Faculty Development Workshop* (FDW) is a new, one-day event conducted in association with the Society of American Law Teachers (SALT) to support progressive junior faculty in the teaching, scholarship and service aspects of professional success. The Workshop meets the day before the Annual LatCrit Conference in plenary sessions that track these three areas of concern (information is included in various mailings throughout the year soliciting Workshop participation). In addition, this Workshop seeks to foster scholarship in critical outsider jurisprudence, including LatCrit theory, among new and junior faculty. Finally, this Workshop aims to cultivate a core group of "next generation" scholars interested in the continuation of this and similar projects over the years. LatCrit and SALT are collaborating to expand this Workshop into a more comprehensive year-round program featuring a series of events tailored for new faculty.
- The *Annual LatCrit-at-AALS Hospitality Suite and Calendar of Suite Events* (LHS) takes place during the Annual Meeting of the Association of American Law Schools (AALS) each January, and serves multiple community-building and informational purposes. The Hospitality Suite and Suite Events include receptions and meetings to develop projects like the Annual Conferences, the Critical Global Classroom, the Student Scholar Program and other community activities described in this Informational CD (see above). The LatCrit-at-AALS Hospitality Suite also provides a focal point for community gatherings, both formal and informal, that help to strengthen lines of communication. Everyone is encouraged to bring scholarly reprints and informational materials for on-site pick up at this community Suite.

- The *Annual South-North Exchange on Theory, Culture and Law* (SNX) is a newer program designed to bring together theorists from various disciplines and regions of the hemisphere (and beyond) to discuss problems in the application of theory to current social problems and policy issues. The basic concept is to create a venue focused on south-north relations to strengthen LatCrit theory and praxis in hemispheric terms. This annual encounter convened for the first time in mid-December 2003, and will convene next in December 9-11, 2004, at the campus of the IAUPR School of Law in San Juan, Puerto Rico. The Annual Call for Papers, Panels and Participation is posted on the LatCrit website.
- The *LatCrit Colloquium on International and Comparative Law* (ICC) has met, on average, every-other-year since 1995 (six times) in locations ranging from Miami to Malaga to Santiago de Chile to Buenos Aires and, most recently, Cape Town. This rotating Colloquium aims to foster transnational and interdisciplinary interaction among LatCrit theorists in the United States and elsewhere with scholars, activists and policymakers at the sites where the Colloquium meets. As with the Annual Conferences, the Annual Call for Papers, Panels and Participation is posted on the LatCrit website, and the program proceedings subsequently are published in the form of law review symposia. This Colloquium next meets in Brazil (August 6-10, 2005) in conjunction with the Critical Global Classroom study-abroad program (see below).
- The *LatCrit NGO* (NGO) project was inaugurated several years ago as part of LatCrit participation in the World Conference Against Racism (WCAR). The basic idea behind the NGO is to establish a formal vehicle through which we may interject LatCritical analyses into policymaking at the international level in venues such as the United Nations, the World Bank and similar institutions that have created procedures for this kind of nongovernmental intervention. The substance of our interventions is drawn from our scholarly work and the publications achieved through our various other projects.
- The *LatCrit Chicana/o Studies Project* (CSP) is designed to highlight Chicana/o communities and issues in LatCrit theory, and to help build connections between established discourses in Chicana/o studies and LatCrit theory. This project includes a series of scholarly meetings between LatCrit and Chicana/os studies scholars to map out areas of convergence and mutual interest. Scholars of all disciplines and perspectives are encouraged to participate in this ongoing project. For more information, please contact us at latcrit@law.miami.edu.

SCHOLARLY PUBLICATIONS AND INFORMATIONAL RESOURCES:

- The *Annual LatCrit Symposium* (ALS) also in its tenth year, is designed to memorialize the proceedings of the Annual Conference, to create a literature on Latinas/os and the law, and to support outsider legal journals. This annual publication is supplemented with other symposia that are “free-standing” or independent of a “live” event, or that are based on other LatCrit events – such as the

Colloquium on International and Comparative Law (see above). To date, eighteen LatCrit symposia are in print or in progress, and most are linked to the LatCrit website for easy global access. For a listing of these symposia, see the List of Publications set forth this Informational CD.

- *Clave*, the LatCrit academic journal, is a peer-reviewed periodical with two issues per year edited by a LatCrit Board of Editors and Contributing Editors in conjunction with a Student Editorial Board. The Journal is administered through the IAUPR School of Law. *Clave* features both collective works, such as symposia based on various LatCrit programs or events, as well as individual articles submitted for publication year-round. The inaugural issue of this new interdisciplinary journal is scheduled for publication in Fall 2006. For subscription and submission information, please visit our website at www.latcrit.org.
- The *LatCrit Primer* (on the web site), as well as the *LatCrit Flyer* and the *LatCrit Informational Brochure* (both available in Spanish and English), are designed to help folks interested in LatCrit theory to become acquainted with our works, projects, plans and hopes. All three were created during the past several years in response to requests for informational resources. In addition, this *LatCrit Informational CD*, inaugurated in 2003, supplements these three informational resources with a comprehensive compilation of publications, project materials, and archival documents. The Primer is updated every two-or-three symposia, and presents a sampling of the symposia publications. It currently features three volumes spanning most of the symposia published to date. The Flyer, Informational Brochure and this Informational CD are updated annually. For extra copies, please contact us via email at latcrit@law.miami.edu.
- The *LatCrit Monograph Series* (LMS) is designed to supplement the Primer, the Flyer and the Brochure with a series of substantive yet short essays on various aspects of LatCrit theory written by different LatCritters posted to our website. The idea is to provide various perspectives on “LatCrit” so that interested folks from other disciplines or world regions may read, download and use them to get a diverse sense of our communities and agendas. The Monograph Series was begun in 2002, and some of the earliest ones are appearing (in Spanish translation) in the *Universidad de Alberto Hurtado* law review as part of our ongoing efforts to reach toward the South. Interested folks should contact us about authoring additional Monographs on various aspects of LatCrit theory, praxis and community.
- The *LatCrit E-Letter* and *Annual Calendar of Key Dates* are designed to streamline year-round communications by creating an electronic newsletter emailed once per semester to the community at large providing timely information on the various events or projects that we have underway. The LatCrit E-Letter also updates the Annual Calendar of Key Dates for ongoing plans, programs or projects. To add or remove your name to our E-mailing list, please write to latcrit@law.miami.edu.

STUDENT SCHOLARSHIPS AND EDUCATIONAL PROGRAMS:

- In connection with the Primer, LatCrit theorists established in 1998 the *Cyber Classroom Project* (CCP), which connects geographically dispersed students to likeminded peers and faculty to create substantive educational opportunities not provided by the formal curriculum of their “home” institutions via an electronic discussion list. This discussion list allows students to discuss LatCrit texts from the Primer or the symposia, and presents a sampling of symposia publications. with their authors and other scholars, as well as with students at other schools or institutions. Like the Critical Global Classroom (see below), this Cyber Classroom Project aims to provide access to critical legal education to today’s students. To subscribe or obtain more information, please email us at latcrit@law.miami.edu.
- The *Critical Global Classroom* (CGC) is a unique study-abroad program in law, policy and social justice activism offered in partnership with the University of Baltimore School of Law, which most recently journeyed through Chile, Argentina, and Brazil (July 5-August 14, 2005.) CGC graduates earn eight academic credits through a diversified menu of academic activities organized around five key themes: (1) Colonialisms & Consequences, (2) Minority Groups & Relations, (3) Economics & Stratification, (4) Constitutionalism & the Rule of Law, and (5) Globalization & Alternatives. The CGC curriculum also includes the LatCrit Colloquium on International and Comparative Law, enabling close interaction among students and scholars through the Colloquium-related activities (see above). Student registration for the CGC begins each fall in mid October: however, the CGC 2005 has been suspended to redesign and expand the program for 2006.
- *The Student Scholar Program* (SSP) is a two-year writing-and-mentoring program initiated in 2002 for students across the world in any discipline and is offered in partnership with the University of California-Berkeley School of Law and various co-sponsors. Every spring a committee of LatCrit scholars selects up to four students as “LatCrit Student Scholars” based on the papers and application materials received by February 1st of each year (visit the LatCrit website to review the application materials). These papers are on the general topic of race, ethnicity and law. During the first year, the Student Scholars receive scholarships and travel stipends to attend the upcoming Annual Conference, the Critical Global Classroom study-abroad program and the International Colloquium on International and Comparative Law. Student Scholars also are invited to publish their papers in one of the symposia based on those events. Student Scholars also are paired with mentors to produce a second publishable paper during the second year of participation in this program.
- The *Community Development Externship Network* (CDE), another new initiative, is an experiential learning project designed to provide legal assistance to local communities or activists working on social justice efforts in rural and urban sites both across the United States and across the Americas. The ten-week summer externships focus on securing material remedies to social injustices suffered both by

groups and individuals, including land reclamation projects and other kinds of reparations-oriented efforts. Before beginning their externships, the externs receive scholarships and travel stipends to attend a LatCrit Orientation, and during their externships they live in the communities within which work. A Call for Applications is issued every fall and posted on the LatCrit website.

- The *LatCrit Seminar Series* (LCS) is a transportable and adjustable “mini-course” on LatCrit theory and critical outsider jurisprudence, conducted in Spanish and/or English, that travels throughout the Americas and beyond to be taught at variable sites or institutions upon the request of sponsoring organizations or schools. The basic idea of this “moveable seminar” is to highlight the development and current status of critical outsider jurisprudence within and beyond the United States as a means of encouraging scholars in other regions or schools of thought to engage “OutCrit” work. Beginning in spring 2005, this mini-course also will be offered twice annually for academic credit by the IAUPR School of Law – each summer and spring -- and it will be open to enrollment by “visiting” students from any accredited university in the world. For information on scheduling, tuition and enrollment relating to this mini-course, contact the IAUPR School of Law or write directly to LatCrit at latcrit@law.miami.edu.
- The *K-12 Education Project* (K12) aims to adapt outsider texts, like those of LatCrit theory, for use in K-12 settings. The project entails the participation of various scholars, each of whom agrees to “translate” one (or more) previously-published academic text into a level and kind of language suitable for K-12 instruction. These texts will be compiled into a reader for use by teachers at local schools across the country as part of their instructional materials. Authors interested in contributing to this project should write to latcrit@law.miami.edu.

As this LatCrit portfolio of projects illustrates, “LatCrit theory” is a diversified collection of projects as well as a discourse and community perpetually under construction. It is a collective effort among a fluid assemblage of individuals that is defined by our principles, priorities and limitations, and that amounts to something greater than the sum of its individual parts. Striving always to create and exploit synergies, LatCrit theory, community and praxis are acts of will undertaken by many individuals in concert with others who are likeminded to help envision and promote a collective post-subordination future today.

CONCLUSION

The background, origins, development, projects, ideals and hopes sketched above are recounted to provide a brief overview of LatCrit theory, community and praxis to scholars, students or activists who may be interested in joining us in this ongoing work. If you are interested in our principles and aspirations, visit the LatCrit website at www.latcrit.org and make your plans to join us at our upcoming events! To contact us via email, write to latcrit@law.miami.edu. We hope to hear from you soon!!



The LatCrit Monograph Series
A Project of LatCrit, Inc.

website: www.latcrit.org
email: latcrit@law.miami.edu

APPENDIX

LatCrit, Inc. – List of Publications

**website: www.latcrit.org
email: latcrit@law.miami.edu**

Colloquium, *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 BERKELEY LA RAZA L. J. 1 (1996).

Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997) (LATCRIT I).

Colloquium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997).

Joint Symposium, *LatCrit Theory: Latinas/os and the Law*, 85 CAL. L. REV. 1089 (1997), 10 BERKELEY LA RAZA L.J. 1 (1998).

Symposium, *Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory*, 19 UCLA CHICANO-LATINO L. REV. 1 (1998) (LATCRIT II).

Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999) (LATCRIT III).

Symposium, *Rotating Centers, Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. 751 (2000) (LATCRIT IV).

Colloquium, *Toward a Transatlantic Dialog: Spain, Latinas/os and LatCrit Theory*, 9 U. MIAMI INT'L. & COMP. L. REV. 1 (2000).

Joint Symposium, *Culture, Language, Sexuality and Law: LatCrit Theory and the Construction of the Nation*, 33 U. MICH. J.L. REFORM 203 (2000), 5 MICH. J. RACE & L. 787 (2000).

Symposium, *Class in LatCrit: Theory and Praxis in a World of Economic Inequality*, 78 DENVER U. L. REV. 467 (2001) (LATCRIT V).

Symposium, *Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory*, 55 U. FL. L. REV. 1 (2003) and 54 RUTGERS L.REV. 803 (2002) (LATCRIT VI).

Symposium, *Coalitional Theory and Praxis: Social Movements and LatCrit Community*, 81 U. OREGON L. REV. 587 (2002) and 13 BERKELEY LA RAZA L.J. 113 (2002)(LATCRIT VII).

Symposium, *City and Citizen: Operations of Power, Strategies of Resistance*, 82 CLEVELAND MARSHALL L. REV. ____ (2004). (LATCRIT VIII).

Symposio, *Critical Legal Theory and LatCrit Theory: Comparative and International Perspectives*, ___ ALBERTO HURTADO U. REVISTA JURIDICA ___ (2004) (in Spanish).

Symposium, *Law, Culture and Society: LatCrit Theory: and Transdisciplinary Approaches to Law and Policy*, ___ FL. J. INT'L. L. ___ (2004). (forthcoming).

Symposio, *LatCrit Theory and Inter-American Studies: South-North Perspectives* , ___ INTER-AM. U. P.R. REVISTA JURIDICA ___ (2004) (in Spanish).

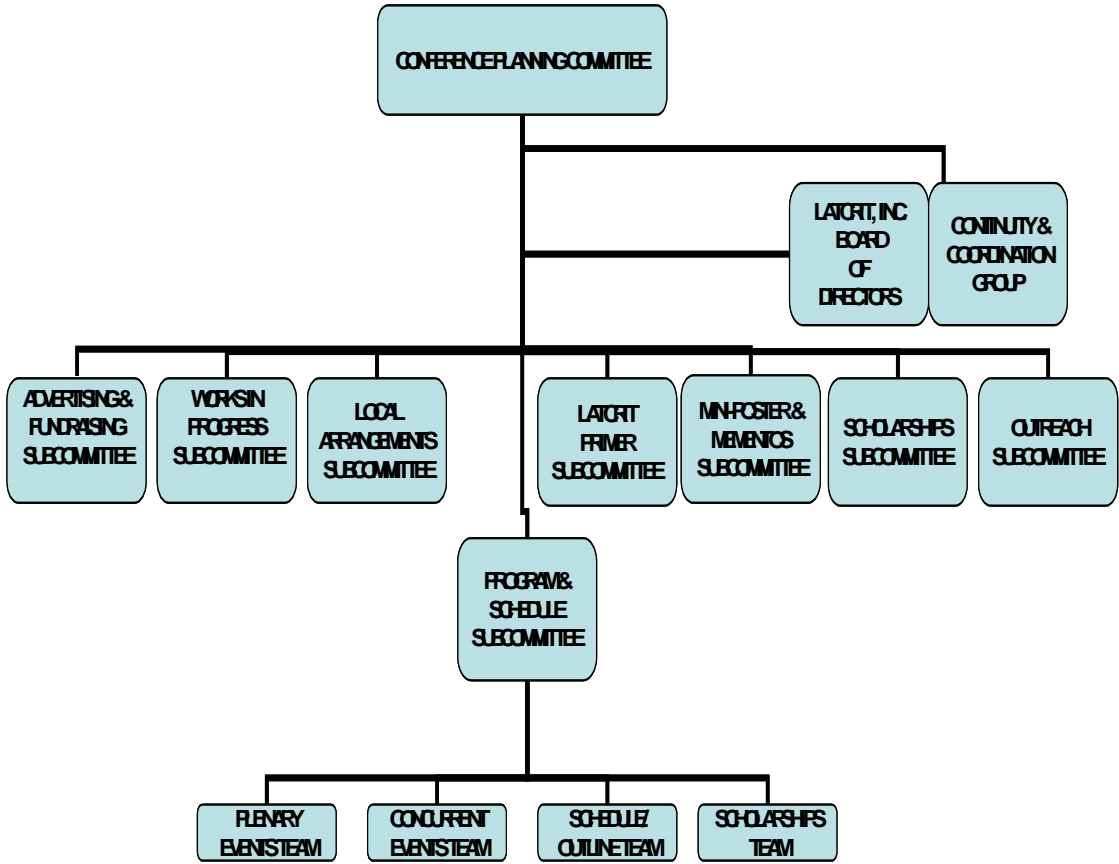
Symposium, *Countering Kulturkampf Politics Through Critique and Justice Pedagogy*, ___ VILLANOVA L. REV. ___ (2005) (forthcoming, LATCRIT IX).

Symposium, *Centering Constitutionalism: LatCritical Theory in International and Comparative Law*, ___ GRIFFITH U.L. REV. ___ (2005) (forthcoming).

LatCrit, Inc. – Calendar of Programs

- Oct. 1995:** Colloquium, “Representing Latina/o Communities: Critical Race Theory and Practice,”
San Juan, Puerto Rico
- May 1996:** First Annual LatCrit Conference, San Diego, California
- Oct. 1996:** LatCrit Colloquium on International and Comparative Law, Miami, Florida
- May 1997:** Second Annual LatCrit Conference, San Antonio, Texas
- May 1998:** Third Annual LatCrit Conference, Miami, Florida
- May 1999:** Fourth Annual LatCrit Conference, Lake Tahoe, California
- June 1999:** LatCrit Colloquium on International and Comparative Law, Malaga, Spain
- May 2000:** Fifth Annual LatCrit Conference, Denver, Colorado
- June 2000:** LatCrit Colloquium on International and Comparative Law, Malaga, Spain
- May 2001:** Sixth Annual LatCrit Conference, Gainesville, Florida
- May 2001:** First Annual Planning Retreat, Miami, Florida
- May 2002:** Seventh Annual LatCrit Conference, Portland, Oregon
- May 2002:** Second Annual Planning Retreat, Portland, Oregon
- Aug. 2002:** LatCrit Colloquium on International and Comparative Law, Santiago, Chile
- May 2003:** Eight Annual LatCrit Conference, Cleveland, Ohio
- May 2003:** Third Annual Planning Retreat, Cleveland, Ohio
- May 2003:** First Annual LatCrit Faculty Development Workshop
- Aug. 2003:** LatCrit Colloquium on International and Comparative Law, Buenos Aires, Argentina
- Dec. 2003:** First Annual South-North Exchange on Theory, Culture & Law, San Juan, Puerto Rico
- May 2004:** Ninth Annual LatCrit Conference, Philadelphia, Pennsylvania
- May 2004:** Fourth Annual LatCrit Planning Retreat, Philadelphia, Pennsylvania
- May 2004:** Second Annual LatCrit Faculty Development Workshop, Philadelphia, Pennsylvania
- Aug. 2004:** LatCrit Colloquium on International and Comparative Law, Cape Town, South Africa
- Dec. 2004:** Second Annual South-North Exchange on Law, Theory and Culture, San Juan, Puerto Rico

LATCRIT, Inc. and the Annual Conferences: ORGANIZATIONAL CHART



ENDNOTES

ⁱ The term “outsider jurisprudence” is Professor Mari J. Matsuda’s. See Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim’s Story*, 87 MICH. L. REV. 2320, 2323 (1989). The term “perspective” jurisprudence is Professor Martha Fineman’s. See MARTHA FINEMAN, *THE NEUTERED MOTHER, THE SEXUAL FAMILY AND OTHER TWENTIETH CENTURY TRAGEDIES* 11-12 (1995). The term “OutCrits” as used in this Monograph is more fully explained in Francisco Valdes, *Outsider Scholars, Legal Theory and OutCrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DE PAUL L. REV. 831, 833 (2000).

ⁱⁱ For other accounts, see Berta Esperanza Hernandez-Truyol, *Indivisible Identities: Culture Clashes, Confused Constructs and Reality Checks*, 2 HARV. LATINO L. REV. 199, 200-05 (1997); Kevin R. Johnson & George A. Martinez, *Crossover Dreams: The Roots of LatCrit Theory in Chicana/o Studies, Activism and Scholarship*, 53 U. MIAMI L. REV. 1143 (1998). Cf. Margaret E. Montoya, *LatCrit Theory: Mapping Its Intellectual and Political Foundations and Future Self-Critical Directions*, 53 U. MIAMI L. REV. 1119 (1998); see also Elizabeth Iglesias & Francisco Valdes, *Afterword – LatCrit at V: Institutionalizing a Post-Subordination Future*, 78 U. DENVER L. REV. 1261 (2002); Francisco Valdes, *Foreword – Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997); see generally sources cited *infra* notes x and xiv-xvi for further readings on the origins, diversities, complexities and trajectories of LatCrit theory, community and praxis.

ⁱⁱⁱ For representative realist texts, see, e.g., JEROME FRANK, *LAW AND THE MODERN MIND* (1930); see also Karl Llewelyn, *A Realistic Jurisprudence—The Next Step*, 30 COLUM. L. REV. 43 (1930) and Karl Llewelyn, *Some Realism About Realism—Responding to Dean Pound*, 44 HARV. L. REV. 1222 (1931).

^{iv} For a frequently-noted exposition of CLS, see DUNCAN KENNEDY, *A CRITIQUE OF ADJUDICATION: FIN DE SIECLE* (1997); see also *Critical Legal Studies (Debut de Siecle): A Symposium on Duncan Kennedy’s A Critique of Adjudication*, 22 CARDOZO L. REV. 701 (2001) (presenting a collection of commentaries and essays on the book). For a CLS overview, see *Critical Legal Studies Symposium*, 36 STAN. L. REV. 1 (1984). For readings on the “rupture” between CLS Crits and “outsider” crits, see Symposium, *Minority Critiques of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987).

^v For examples of “outsider” sentiments on CLS during those times, see Symposium, *Minority Critiques of the Critical Legal Studies Movement*, *supra* note iv.

^{vi} For more on the anti-subordination principle, see Jerome Culp, Angela P. Harris & Francisco Valdes, *Subject Unrest*, ___ STAN. L. REV. ___ (2003); see also Francisco Valdes, *Culture, “Kulturkampf” and Beyond: The Anti-Discrimination Principle Under the Jurisprudence of Backlash*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* (Austin Sarat ed. forthcoming 2004) (discussing the shift to the anti-subordination principle in the context of critical theory and equality jurisprudence).

^{vii} For further discussion of Latina/o (non)representation in the legal professorate of the United States at the time of LatCrit’s emergence in the mid-1990s, see Francisco Valdes, *Foreword – Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1087, 11134-37 (1997), 10 BERKELEY LA RAZA L.J. 1, 48-51 (1998); see also Michael A. Olivas, *The Education of Latino Lawyers: An Essay on Crop Cultivation*, 14 UCLA CHICANO-LATINO L. REV. 117, 129 (1994) (analyzing the difficult process of Latina/o entry into the legal academy); see generally Daria Roithmayr, *Deconstructing the Distinction Between Bias and Merit*, 85 CAL. L. REV. 1449 (1997), 10 BERKELEY LA RAZA L.J. 363 (1998) (describing and critiquing the historic exclusion of nonwhites from legal education and law practice via the American Bar Association and similar organizations).

^{viii} See Elizabeth Iglesias & Francisco Valdes, *Afterword – Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 UCLA CHICANO-LATINO L. REV. 503, 568-71 (1998) (discussing the choice of “LatCrit” as partly a political decision

to identify as much as possible with people of color, indigenous people, and other traditionally subordinated groups in the construction of this new discourse and praxis). For additional readings on “Latina/o” diversities and identities, see Berta Hernandez-Truyol, *Building Bridges – Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1991); Gerald P. Lopez, Learning About Latinos, 19 UCLA CHICANO-LATINO L. REV. 363 (1998); Juan F. Perea, *Los Olvidados*, 70 NYU L. REV. 965 (1995); Gloria Sandrino-Glasser, *Los Confundidos: De-Conflating Latinos/as’ Race and Ethnicity*, 19 UCLA CHICANO-LATINO L. REV. 69, 75-77 (1998); see also Alex M. Saragoza, Concepcion R. Juarez, Abel Valenzuela, Jr. & Oscar Gonzalez, *History and Public Policy: Title VII and the Use of the Hispanic Classification*, 5 BERKELEY LA RAZA L. J. 1 (1992) (discussing federal adoption of the “Hispanic” label and critiquing the conglomeration of the Spanish-Hispanic-Latina/o labels into a single identity category); Luis Angel Toro, “A People Distinct from Others”: *Race and Identity in Federal Indian Law and the Hispanic Classification in OMB Directive No. 15*, 26 TEXAS TECH. L. REV. 1219 (1995) (critiquing the ramifications of the current labeling system in the United States, which “lumps together all people who can connect themselves to some “Spanish origin or culture” together as “Hispanics”).

^{ix} See Kevin R. Johnson, “Melting Pot” or “Ring of Fire”?: *Assimilation and the Mexican-American Experience*, 85 CAL. L. REV. 1259 (1997), 10 BERKELEY LA RAZA L.J. 173 (1998) (narrating and describing the author’s family’s experience in the larger social context); George A. Martinez, *The Legal Construction of Race: Mexican-Americans and Whiteness*, 2 HARV. LATINO L. REV. 321 (1997) (discussing strategic constructions of Mexican Americans as both white and non-white in legal doctrine and social politics); Rachel Moran, *Neither Black Nor White*, 2 HARV. LATINO L. REV. 61 (1997) (discussing Latinas/os as an in-between identity category in North American “black-over-white” racial paradigms); Francisco Valdes, *Race, Ethnicity and Hispanismo in Triangular Perspective: The Essential “Latina/o” and LatCrit Theory*, 48 UCLA LAW. REV. 305, 310-11 (2000) (discussing Hispanismo as a form of identity ideology and outsider jurisprudence); see generally MARK J. VAN AKEN, PAN-HISPANISM: ITS ORIGIN AND DEVELOPMENT TO 1866 (1959) (discussing “Hispanism” or “Hispanismo” and its origins).

^x For further explanation, see Elizabeth M. Iglesias, Foreword – *LatCrit Theory: Some Preliminary Notes Towards a Transatlantic Dialogue*, 9 U. MIAMI INT’L & COMP. L. REV. 1, 9-18 (2000-01) (discussing these jurisprudential movements and their relationship to LatCrit); Kevin R. Johnson, *Some Thoughts on the Future of Latino Legal Scholarship*, 2 HARV. LATINO L. REV. 101 (1997); Francisco Valdes, Afterword – *Theorizing “OutCrit” Theories: Coalitional Method and Comparative Jurisprudential Experience – RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) (drawing lessons for LatCrit from the experiences of other outsider efforts, principally those of RaceCrits and QueerCrits); see also sources cited *supra* note ii on LatCrit theory and its origins, histories, complexities and ambitions.

^{xi} See, e.g., Elizabeth Iglesias, Foreword – *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM L. REV. 177 (1996-97) (charting the way for LatCrit engagement of international law); Celina Romany, *Claiming a Global Identity: Latina/o Critical Scholarship and International Human Rights*, 28 U. MIAMI INTER-AM L. REV. 215 (1996-97) (focusing on human rights and LatCrit theory). For additional readings on international and comparative law in LatCrit theory, see the LatCrit List of Publications in the Appendix to this Monograph.

^{xii} The following account is based on the author’s sense of the general tenor and orientation of the writings published in the LatCrit symposia, which appear in the List of Publications of the Appendix to this Monograph, and which may be accessed via the LatCrit website: www.latcrit.org.

^{xiii} These path-breaking concepts were pioneered in legal theory by Critical Race Feminists. See, e.g., Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN’S RTS. L. REP. 7 (1989); see also Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139; Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987); see generally CRITICAL RACE

FEMINISM: A READER (Adrien Katherine Wing ed., 1997). Various RaceCrit and LatCrit scholars have continued to develop these groundbreaking works, striving progressively to better capture the dynamics of “identity politics” in law and society. See, e.g., e. christi cunningham, *The Rise of Identity Politics I: The Myth of the Protected Class in Title VII Disparate Treatment Cases*, 30 U. CONN. L. REV. 441 (1998) (on wholism); Berta Hernandez-Truyol, *Building Bridges – Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1991) (on multidimensionality); Darren Leonard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997); Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 HASTINGS L.J. 1257 (1997) (introducing the concept of cosynthesis); Peter Kwan, *Complicity and Complexity: Cosynthesis and Praxis*, 49 DEPAUL L. REV. 673 (2000) (developing the concept); Francisco Valdes, *Sex and Race in Queer Legal Culture: Ruminations on Identities and Inter-Connectivities*, 5 SO. CAL. REV. L. & WOMEN’S STUD. 25 (1995) (on interconnectivity); see generally Charles R. Lawrence III, Foreword – *Race, Multiculturalism and the Jurisprudence of Transformation*, 47 STAN. L. REV. 819, 834-35 (1995).

xiv These “eruptions” are reflected in various essays published in the LatCrit symposia, which are presented in the List of Publications of the Appendix to this Monograph. For self-critical notes on some of these encounters, see Iglesias & Valdes, *supra* note ii, at 1280-99 (reviewing the first five years of the Annual Conferences and eruptions over race, ethnicity, sexual orientation and other axes of self-identity and group identification) and Iglesias & Valdes, *supra* note xiv, at 511-88 (focusing on issues of religion, gender, sexuality and class in the context of LatCrit II in 1997).

xv See, e.g., Pamela J. Smith, *The Tyrannies of Silence of the Untenured Professors of Color*, 33 U.C. DAVIS L. REV. 1105 (2000) (recounting a discussion of this topic at the LatCrit IV conference in May 1999); see generally Marina Angel, *The Glass Ceiling of Women in Legal Education: Contract Positions and the Death of Tenure*, 50 J.L. EDUC. 1 (2000); Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537 (1988); Richard Delgado, *Minority Law Professors’ Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989); Richard Delgado, *Affirmative Action as Majoritarian Device: Or, Do You Really Want to be a Role Model?*, 89 MICH. L. REV. 1222 (1991); Cheryl Harris, *Legal Education II: Law Professors of Color and the Academy: Of Poets and Kings*, 68 CHI.-KENT L. REV. 331 (1992); William C. Kidder, *Situating Asian Pacific Americans in the Law School Affirmative Action Debate: Empirical Facts About Thernstrom’s Rhetorical Acts*, 7 ASIAN L.J. 29 (2000); Charles R. Lawrence III, *Minority Hiring in AALS Law Schools: The Need for Voluntary Quotas*, 20 U.S.F.L. REV. 429 (1986); Rachel F. Moran, *The Implications of Being a Society of One*, 20 U.S.F. L. REV. 503 (1986); Richard K. Neumann, Jr., *Women in Legal Education: What the Statistics Show*, 50 J. LEGAL ED. 313 (2000).

xvi Iglesias & Valdes, *supra* note ii, at 1309-10.

xvii For a more complete account of LatCrit institution-building, see *id.* at 1318-42.

xviii For a more detailed description and discussion of these projects and plans, see Iglesias & Valdes, *supra* note ii, at 1324-42.