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# Expanding Directions, Exploding Parameters: Culture and Nation in LatCrit Coalitional Imagination

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**EXPANDING DIRECTIONS, EXPLODING  
PARAMETERS: CULTURE AND NATION IN  
LATCRIT COALITIONAL IMAGINATION**

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Elizabeth M. Iglesias\*

Francisco Valdes\*\*

*We have to believe in the power of imagination because it is all we have, and ours is stronger than theirs.<sup>1</sup>*

*The real war is between our imagination and theirs, what we can see and what they are blinded to. Do not despair. None of them can see far enough, and so long as we do not let them violate our imagination we will survive.<sup>2</sup>*

In *Imagining Argentina*, Carlos Rueda's wife, Cecilia, is disappeared during Argentina's dirty war.<sup>3</sup> Carlos' story is of dreams and the awesome power of the human imagination to sustain life and reclaim the living through the simple will to believe.<sup>4</sup> Cecilia's is a story of the courage and integrity that still drive enough among us to speak truth to power despite its well-known risks and predictable consequences.<sup>5</sup> Although Carlos and Cecilia are fictional characters, their story marks a vivid

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1. LAWRENCE THORNTON, *IMAGINING ARGENTINA* 65 (1987).
2. *Id.* at 99.
3. *See generally id.*
4. *See id.*
5. *See id.*

and appropriate point of departure for this volume of LatCrit scholarship. This is because, in the last five years, the LatCrit movement has emerged as the collective project of a diverse group of individuals who are determined to consolidate an ethical community of scholars and activists committed to combating injustice in and through the critical analysis and effective transformation of legal discourse, legal institutions, and the elitist culture of the American legal academy.<sup>6</sup> Like Cecilia's fate, the future of the LatCrit project depends on the power of the human will to imagine, to believe, and to manifest meaningful alternatives to realities conjured and coercively imposed by those who benefit from current structures of domination and subordination. As evidenced by the contributions to this Symposium, these structures exist both within the legal academy and throughout the broader fields of social, cultural, economic, and political contestation in which law routinely intervenes.<sup>7</sup> Like Carlos, this community of scholars and activists survives on the strength of its power to imagine and its courage to affirm ways of being and doing that effectively challenge the repressive practices, discourses, and ideologies through which totalitarian realities are constructed both within and beyond the legal academy.

In this vein, the articles and commentaries in this Symposium are excellent points of departure for reflecting upon the advances thus far achieved in the evolution of this still very young community of scholars. The articles and commentaries that follow this brief Introduction comprise the second "free-standing" law review Symposium on LatCrit theory organized specifically in response to

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6. See Elvia R. Arriola, *Foreword: March!*, 19 CHICANO-LATINO L. REV. 1, 11-12 (1998) (discussing the importance of ethical community building for the LatCrit project); Elizabeth M. Iglesias, *Foreword: International Law, Human Rights, and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177, 178 (1996-97) (emphasizing LatCrit theory as the work-product of a diverse group of scholars); Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory, and Post-Identity Politics in Postmodern Legal Culture: From Practices to Possibilities*, 9 LA RAZA L.J. 1, 24-30 (1996) (grounding the LatCrit project in a broad and comprehensive vision of the way LatCrit might articulate and manifest new possibilities for intergroup solidarity and mutual understanding in and through the production of critical legal scholarship).

7. See, e.g., Margaret E. Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy and Discourse*, 5 MICH. J. RACE & L. 847 (2000), 33 U. MICH. J.L. REFORM 263 (2000) (classroom silences); Steven W. Bender, *Silencing Culture and Culturing Silence: A Comparative Experience of Centrifugal Forces in the Ethnic Studies Curriculum*, 5 MICH. J. RACE & L. 913 (2000), 33 U. MICH. J.L. REFORM 329 (2000) (silence as metaphor for absence of Latinas/os in network of legal rights); Dorothy E. Roberts, *The Paradox of Silence: Some Questions About Silence as Resistance*, 5 MICH. J. RACE & L. 927 (2000), 33 U. MICH. J.L. REFORM 343 (2000) (classroom silence).

student interests and initiatives.<sup>8</sup> The timing is fitting, for this Symposium also coincides with the fifth anniversary of LatCrit theory's emergence in the American legal academy. Since then, five annual conferences and four additional colloquia have produced, in total, nine published symposia in both mainstream and "of color" law journals.<sup>9</sup> This record reflects and affirms LatCrit theory's original commitment to collaboration with student law review editors, especially those of color, in the production of this new critical legal discourse on Latinas/os, policy, and society.<sup>10</sup> This textual record—including this very Symposium—also attests to LatCrit theory's expanding directions and exploding parameters. Indeed, this Symposium effectively celebrates and continues the LatCrit experiment that, in 1995, was, like Carlos' dreams, little more than a will to imagine and believe.

In the five years since, LatCrit theorists have conducted several interventions in critical legal scholarship, antiracist discourse, and public policy debates guided by early commitments to

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8. This Symposium project originated through the initiatives of law students at the University of Michigan Law School. It is the second Symposium organized specifically in response to law student requests for assistance in organizing a LatCrit Symposium. For proceedings of the first such Symposium organized in response to interest expressed by law students at the University of California at Boalt, see Symposium, *LatCrit Theory, Latinas/os and the Law*, 10 LA RAZA L.J. 1 (1998), 85 CAL. L. REV. 1087 (1997).

9. Although LatCrit legal theory is a relatively recent intervention in the evolution of American critical legal scholarship, LatCrit scholarship has developed at an unprecedented pace during the last five years. See Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997) (LatCrit I); Symposium, *Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory*, 19 CHICANO-LATINO L. REV. 1 (1998) (LatCrit II); Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999) (LatCrit III). In addition to the published proceedings of LatCrit I, II, and III, LatCrit scholars also have produced a first-ever symposium exploring key issues in international law and international human rights from a critical race perspective. See Symposium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997). For proceedings of the gathering of Latina/o law professors that gave birth to the LatCrit project, see Colloquium, *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. 1 (1996). For a particularly insightful overview of the purposes and commitments of the LatCrit movement, see Francisco Valdes, *Foreword: Under Construction—LatCrit Consciousness, Community, and Theory*, 10 LA RAZA L.J. 1, 7–10 (1998), 85 CAL. L. REV. 1087, 1093–96 (1997). For proceedings of the LatCrit IV conference see Symposium, *Rotating Centers, Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. (forthcoming 2000). For proceedings of the LATCRIT V conference see Symposium, *Class in LatCrit: Theory and Praxis in a World Economic Inequality*, 78 DENV. U. L. REV. (forthcoming).

10. See Elizabeth M. Iglesias, *Foreword: Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575, 656 (1999) (grounding support for minority-run law reviews in the imperatives of an antielitist ethic and politics); Valdes, *supra* note 6, at 11–12 (grounding the publication of LatCrit scholarship in self-conscious project to foster success of both minority law reviews and scholars).

antisubordination theory, antiessentialist community, and coalitional praxis. First, reflecting the imperatives of demography, LatCrit theorists have centered “Latinas/os” in outsider jurisprudence and legal discourse.<sup>11</sup> In doing so, we also have centered Latinas/os’ multiple diversities precisely in order to excavate the valences and explore the significance of intra-Latina/o “difference” in the development of critical analysis, social activism, public policy, and legal reform.<sup>12</sup> This antiessentialist approach to “Latina/o” critical legal studies has helped to expand antiracist discourse and politics within the legal academy and also has challenged some basic mis/understandings of Latina/o lives and communities.

For example, by foregrounding intra-Latina/o diversities, LatCrit has challenged a core misrepresentation of Latinas/os. This misrepresentation is summed up in the dominant presumption that Latinas/os are all, or would like to be, “Hispanic”—Spain’s progeny, with Eurocentric and White-identified affinities.<sup>13</sup> In fact, as LatCrit theorists have shown time and again, Latinas/os come in many racial and ethnic varieties—including a high degree of cross-mixture.<sup>14</sup> Latinas/os are indigenous, Asian, Black, and mixed, as well as Hispanic. Like other populations, Latinas/os are multicultural, multiethnic, and multiracial. And, in this vein,

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11. See generally Valdes, *supra* note 6 (noting that LatCrit theory seeks to center Latinas/os *qua* Latinas/os); Francisco Valdes, *Foreword: Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997) (same).

12. See, e.g., Elizabeth M. Iglesias, *Out of the Shadow: Marking Intersections In and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Legal Theory*, 40 B.C. L. REV. 349, 355, 19 B.C. THIRD WORLD L. J. 349, 355 (1998) (noting LatCrit Theory’s initial emphasis on mapping “intra-Latina/o divisions, stratifications and antagonisms” and explaining the objectives of this analysis as an effort to dismantle rather than suppress or ignore structures of subordination organized around these differences for the sake of some false commonality); Kevin R. Johnson, *Some Thoughts on the Future of Latino Legal Scholarship*, 2 HARV. LATINO L. REV. 101, 129 (1997) (exploring diversities within and between Latina/o communities and reflecting on the challenges posed for the project of promoting pan-ethnic solidarity).

13. Kevin Johnson, “Melting Pot” or “Ring of Fire”?: *Assimilation and the Mexican-American Experience*, 10 LA RAZA L. J. 173, 186–87 (1997), 85 CAL. L. REV. 1259, 1272–73 (recounting how the claim to a Spanish identity is oftentimes used to organize Mexican-American assimilation into a racist Anglo culture through the denial of indigenous racial mixtures); Francisco Valdes, *PostColonial Encounters in the PostPinochet Era: A LatCrit Perspective on Spain, Latinas/os and “Hispanismo” in the Development of International Human Rights*, 9 U. MIAMI INT’L & COMP. L. REV. (forthcoming 2001) (deconstructing the White supremacist ideology of “Hispanismo”).

14. See Berta Esperanza Hernández-Truyol, *Building Bridges: Latinas and Latinos at the Crossroads*, in *The Latino/a Condition: A Critical Reader* 24, 30 (Richard Delgado & Jean Stefancic eds., 1998); Valdes, *supra* note 9, at 1106 (noting that Latina/o communities are characterized by a high degree of *mestizaje*, or racial intermixture and internal diversity).

Latinas/os—again like other groups—are diverse along many axes of identity, including gender, sexual orientation, religion, and socioeconomic class. By foregrounding these multiple internal diversities, LatCrit theory has striven to ensure that public debates about, and legal responses to, social issues deemed especially germane to “Latina/o” populations will be guided in part by the needs that arise from multiple intragroup differences.<sup>15</sup>

We similarly have sought to situate LatCrit analysis of the Latina/o condition in intergroup social frameworks and cross-group historical contexts that take into account both the present and the past in the delineation of LatCrit priorities and projects.<sup>16</sup> This intergroup framing expands the circle of perspectives brought to bear on the Latina/o condition and deepens the substance of LatCrit discourse. The diversity of position and perspective enabled by this intergroup discourse ensures a broadly inclusive multilateral dialogue that listens both to Latina/o experiences and to others as well. In this way, LatCrit theory is informed by diverse “outside” viewpoints—in addition to diverse “internal” viewpoints. This openness to both “internal” and “external” critique

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15. Recognition of intra-group diversities has broad implications for public policy and legal discourse, and LatCrit scholars have been at the forefront in exploring these implications. See, e.g., Elizabeth M. Iglesias, *Human Rights in International Economic Law: Locating Latinas/os in the Linkage Debates*, 28 U. MIAMI INTER-AM. L. REV. 361 (1996–97) (assessing current debates over whether, and how, to link human rights enforcement to international economic law, given the complex ways in which Latinas/os are divided by cultural differences and nationalist ideologies as well as by race, class, and gender hierarchies); Elizabeth M. 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 CHICANO-LATINO L. REV. 503, 574–82 (1998) (arguing that LatCrit antipoverty agendas must take into account the particularities of class-based subordination that affect different Latina/o communities in varied ways by developing comparative analyses of the way Latina/o poverty has been configured historically around different legal events and regimes and structurally around the particularities of uneven development and economic restructuring in different geographical areas within and beyond the territorial United States).

16. See, e.g., Iglesias, *supra* note 12, at 350–51 (articulating a “common context of struggle” for Latinas/os and Asian Pacific Americans around three points of reference: (1) the centrality of international relations, (2) the uses and misuses of national security ideology, and (3) the structure of the (inter)national political economy on the (re)production of inter- and intra-group subordination among Latinas/os and APAs); Guadalupe T. Luna, *On the Complexities of Race: The Treaty of Guadalupe Hidalgo and Dred Scott v. Sandford*, 53 U. MIAMI L. REV. 691 (1999) (exploring points of commonality and difference in the historical dispossession of Blacks and Chicanos effected through the articulation of Anglo-American property law regimes, in order to articulate a common context of struggle); George A. Martínez, *African-Americans, Latinos, and the Construction of Race: Toward an Epistemic Coalition*, 19 CHICANO-LATINO L. REV. 213, 214 (1998) (urging Latinas/os and African Americans to explore commonalities); Eric K. Yamamoto, *Conflict and Complicity: Justice Among Communities of Color*, 2 HARV. LATINO L. REV. 495, 500–01 (1997) (urging more expansive inter-racial alliances based on mutual and reciprocal commitments to intergroup justice).

helps to ensure a critical (as well as self-critical) approach to Latina/o interests and issues.<sup>17</sup> In this way, LatCrit scholars learn from—and teach each other—about the similarities and differences that construct domination and subordination across multiple vectors of experience and identity, both within and beyond Latina/o contexts.<sup>18</sup>

Along the way, this cross-group process promotes the formation of a progressive, diverse, and inter-disciplinary community of scholars and activists united across differences of position and perspective by a common commitment to antiessentialist, anti-subordination theory, community, and praxis.<sup>19</sup> Indeed, the creation of a diverse and antiessentialist community of critical scholars and activists, grounded in antisubordination principles and praxis, has been a key aspiration of the LatCrit project from its inception.<sup>20</sup> This kind of scholarly community serves not only as an incubator of intellectual exchange and insight, but also creates a network of critical colleagues and mentors to nurture new scholars

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17. See Iglesias, *supra* note 10, at 619–20 (reflecting on the difference between “internal” and “external” criticisms and the imperative of remaining critically and self-critically engaged in, and open to, both).

18. See *id.* at 626 (noting that the struggle against White supremacy must be conceived as a common collective project that advances only when difference is embraced as the medium through which “we teach each other about the similarities and differences in the way white supremacy operates in our various communities”) (emphasis omitted).

19. It bears noting that LatCrit theory is a crossroads for many different critical discourses and perspectives precisely because the evolution of LatCrit theory has been substantially enriched by the active and continuous participation of a highly diverse and extraordinarily talented assortment of Asian and Pacific American critical legal scholars, RaceCrits, QueerCrits, FemCrits, and other OutCrit scholars. See, e.g., Keith Aoki, *Language is a Virus*, 53 U. MIAMI L. REV. 969 (1999) (noting extent of Asian and Pacific American participation in LatCrit conferences and community); Barbara J. Cox, *Coalescing Communities, Discourses and Practices: Synergies in the Anti-Subordination Project*, 2 HARV. LATINO L. REV. 473 (1997) (reflecting on relevance of LatCrit project to White lesbians); Jerome McCristal Culp, Jr., *Latinos, Blacks, Others and the New Legal Narrative*, 2 HARV. LATINO L. REV. 479 (1997) (reflecting on relevance of LatCrit project to African Americans); Stephanie M. Wildman, *Reflections on Whiteness and Latina/o Critical Theory*, 2 HARV. LATINO L. REV. 307 (1997) (reflecting on significance of LatCrit project from a White critical feminist perspective). These scholars have performed the unprecedented act of solidarity by investing their intellectual capital and professional resources in the creation and continued evolution of a discourse, whose purpose has been to combat the relative invisibility of Latinas/os in the production of critical legal discourse, even as they also remain deeply involved in developing other strains of critical theory. For one genealogical narrative of the relationship between LatCrit theory and the historical evolution of critical legal discourses in the American legal academy, see Elizabeth M. Iglesias, *LatCrit Theory: Notes Towards a Transatlantic Dialogue*, 9 U. MIAMI INT’L & COMP. L. REV. (forthcoming 2001) (locating LatCrit theory in and against seven strains of critical legal discourse including Critical Legal Studies, Critical Race Theory, Feminist Legal Theory, Critical Race Feminism, Asian Pacific American Critical Legal Scholarship, Chicana/o Studies, and Queer Legal Theory).

20. See, e.g., Arriola, *supra* note 6; Yamamoto, *supra* note 16.

and their efforts. In crucial moments of struggle, this type of scholarly community also can (and should) serve as a bulwark against the oppressive social and/or institutional practices through which too many minority scholars have been “disappeared” from the American legal academy.<sup>21</sup>

Moreover, the insights and practices developed through this collective process of mutual engagement are not limited in application to the legal academy. On the contrary, the creation of an antiessentialist and antisubordination discourse and community among diverse scholars and activists may serve as a magnet or model for similar coalitional communities on a larger societal level.<sup>22</sup> Over time, this cross-group process of exchange and convocation may help to foster the discursive conditions and sociopolitical consciousness necessary for a broader coalitional solidarity among outgroups in the United States and beyond. In short, this community-building dimension of LatCrit theory fully reflects the substantive vision of, and commitment to, antiessentialism and antisubordination in both theory and praxis—through the conceptual advances our discourse enables, as well as through the new practices of mutual recognition, engagement, and respect that our collaborative efforts inspire and manifest.<sup>23</sup>

Thus, in and through LatCrit theory we have sought to center, at once, in legal discourse (a) Latinas/os qua Latinas/os, (b) our multiple internal diversities, and (c) the schematics and dynamics of cross-group relations and inter-group coalitions. In keeping with LatCrit community-building aspirations, these efforts have entailed a conscious and conscientious dedication to community-building ideals and practices in both individual and structural terms. This fragile experiment has yielded promising advances to date.

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21. Sumi K. Cho, *Essential Politics*, 2 HARV. LATINO L. REV. 433, 439–44, 441 (1997) (urging LatCrit scholars to self-consciously embrace the project of effecting “a radical restructuring of power relationships in the legal academy that would render such violence [against scholars of color in the legal academy] unthinkable in our presence.”). See generally Peter C. Alexander, *Silent Screams from Within the Academy: Let My People Grow*, 59 OHIO ST. L.J. 1311 (1998); Leland Ware, *People of Color in the Academy: Patterns of Discrimination in Faculty Hiring and Retention*, 20 B.C. THIRD WORLD L.J. 55 (2000).

22. See Iglesias, *supra* note 10, at 580 (noting that “[i]t is precisely because LatCrit theory has taken up the challenge of producing knowledge and performing community for the purpose of manifesting and advancing an anti-essentialist commitment to anti-subordination politics that the LatCrit community stands as microcosm of the many challenges facing the global community. . .”).

23. See *id.* at 679–82 (linking the LatCrit community-building project to the imperative of institutionalizing solidarity and practicing mutual recognition).



Through LatCrit exchanges, for example, we have transcended the “White-Over-Black” binary of “domestic” race relations.<sup>24</sup> We have also challenged the dichotomy between “domestic” and “international” that historically has bounded legal discourses and that too-often still separates antiracism and antiracism that should instead intersect.<sup>25</sup> In doing so, LatCrit theorists have disrupted traditional paradigms that have constricted antiracist work specifically and that, more generally, have inhibited intersectional antiracism alliances. Through these exchanges, LatCrit and allied scholars have broadened, deepened, and textured the antiracism gains and antiessentialist insights of “outsider” jurisprudence.

To transcend traditional paradigms of analysis and engagement, we also have learned to “rotate the center” of critical analysis and

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24. See Iglesias & Valdes, *supra* note 15, at 562–74 (urging LatCrit scholars to remain cognizant of and vigilant in rejecting the Black/White paradigm, we uncritically equate Black and White positions within a paradigm that emerged from the very real and continued oppression of Whites over Blacks, as well as by non-Blacks who have sought their own liberation in the delusions of a White identity); Iglesias, *supra* note 10, at 623–24 (explaining how LatCrit theory seeks to expand critical analysis of “white supremacy progressively beyond the Black/White binary of race, even as we acknowledge the particular and virulent forms of anti-Black racism that are institutionalized and expressed in virtually every society across the globe, including Latina/o communities”); Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177, 1187–90 (1999) (expressing concern that the critique of the Black/White paradigm tends to minimize the particularly virulent forms of racial oppression endured by Blacks); Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247, 1253–54 (1999) (providing an account of tensions generated by the critique of the Black/White paradigm in the context of Critical Race Theory workshop); Francisco Valdes, *Afterword: Theorizing “OutCrit” Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) (urging similar recognition of the particularities of Black subordination and their relevance to the LatCrit project).

25. See Berta Esperanza Hernández-Truyol, *Building Bridges: Bringing International Human Rights Home*, 9 LA RAZA L.J. 69 (1996) (exploring the limitations of the domestic civil rights paradigm); Iglesias, *supra* note 6, at 180–84 (noting the centrality of international law and relations in the configuration of Latina/o identities and realities of subordination, and emphasizing the need to center the relationship (and disjunctures) between domestic and international legal regimes in the articulation of antiracism legal theory); Iglesias, *supra* note 12, at 358–63 (centering “the international” in critical analysis of White supremacy and exploring the cross-group commonalities of subordination revealed through this analytical shift in perspective); Iglesias, *supra* note 10, at 596–600 (exploring how the common context of struggle linking Haitian and Cuban refugees is revealed only when critical analysis shifts its attention from the domestic field to the legal structures of international relations and U.S. foreign policy); Celina Romany, *Claiming a Global Identity: Latino/a Critical Scholarship and International Human Rights*, 28 U. MIAMI INTER-AM. L. REV. 215 (1996–97) (urging LatCrits to embrace a global identity); Natsu Taylor Saito, *Beyond Civil Rights: Considering “Third Generation” International Human Rights Law in the United States*, 28 U. MIAMI L. REV. 387 (1996–97) (exploring limitations of domestic civil rights paradigm).

collective action.<sup>26</sup> In practice, this effort has entailed both individual and group embrace of coalitional methods in critical and self-critical ways that continually (re)ground both theory and praxis in the objectives of intra- and inter-group justice. These practices include programmatic initiatives that periodically shift the substantive focus of critical and self-critical inquiry among and between various groups or identities, as well as individual research projects that explicitly center marginal identities within outsider groupings.<sup>27</sup>

This practice of “rotating centers” was first initiated in a self-conscious and programmatic manner at LatCrit III through the organization of a plenary focus-group discussion titled *From Critical Race Theory to BlackCrit? Exploring Critical Race Theory Beyond and Within the Black/White Paradigm*.<sup>28</sup> The purpose of this focus group was specifically and self-consciously designed to center in LatCrit theory the problem of Black subordination, and to explore the antiessentialist insights to be gained by shifting the focus of LatCrit analysis from Hispanic Latinas/os to Black Latinas/os and their intersectional commonalities with other Black identity groups. The proceedings at LatCrit IV carried this important discussion forward through a plenary panel on *The Meanings and Particularities of Blackness in Latina/o Identity and LatCrit Theory*, even as the decision to organize a plenary on *Mestizaje, Identity and the Power of Law in Historical Context* encouraged yet another rotation designed to center mestiza/o identity in LatCrit discourse.<sup>29</sup> Most recently, at LatCrit V, conference organizers sought yet again to give substantive meaning and practical content to the antiessentialist commitments of LatCrit

26. Iglesias, *supra* note 10, at 622–28 (explaining the normative and epistemological imperatives underlying the practice of “rotating centers” at LatCrit conferences).

27. See, e.g., Luz Guerra, *LatCrit y la Des-Colonización Nuestra: Taking Colón Out*, 19 CHICANO-LATINO L. REV. 351 (1998) (centering the otherwise marginal realities of indigenous peoples); Berta Hernández-Truyol, *Latina Multidimensionality and LatCrit Possibilities: Culture, Gender and Sex*, 53 U. MIAMI L. REV. 811 (1999) (centering the otherwise marginalized experiences of Latina lesbians); Dorothy E. Roberts, *BlackCrit Theory and the Problem of Essentialism*, 53 U. MIAMI L. REV. 855 (1999) (centering the otherwise marginal intersectionalities of Black identities in LatCrit theory); Siegfried Wiessner, *¡Esa India! LatCrit Theory and the Place of Indigenous Peoples Within Latina/o Communities*, 53 U. MIAMI L. REV. 831 (1999) (centering the otherwise marginal realities of indigenous peoples).

28. For a description of the substantive themes of the focus group, see *LatCrit Archives: LatCrit III, Miami Florida, May 7–10, 1998* (visited November 28, 2000) <<http://nersp.nerdc.ufl.edu/~malavet/latcrit/archives/lciii.htm>>. For essays inspired by and reflecting on these themes, see generally Iglesias, *supra* note 10; Mutua, *supra* note 24; Phillips, *supra* note 24; Roberts, *supra* note 27; Valdes, *supra* note 24.

29. For a description of the substantive themes of the plenaries at LatCrit IV, see *LatCrit IV: Substantive Program Outline* (visited November 28, 2000) <<http://nersp.nerdc.ufl.edu/~malavet/latcrit/lcivdocs/lcivsubs.htm>>.

theory by “rotating the center” of analysis in two ways: first, to focus on the problem of class subordination within and between different minority groups and, second, by organizing a plenary focus-group discussion titled *Rotating Centers: Confronting Latina/o Homophobia—A Moderated Focus-Group Discussion*, which was designed specifically to address the problem of homophobic oppression within Latinã/o and other minority communities.<sup>30</sup>

This collective experience in the practice of “rotating centers” powerfully has demonstrated the learning achieved through programmatic initiatives designed to manifest in concrete ways the commitment to antiessentialism and inclusion that animates the LatCrit project. It has also born witness to the value of continuity and to the importance of fostering a collective commitment to sustained engagement in constructing a genuine “community” of scholars within the legal academy.<sup>31</sup> By rotating centers, we have ameliorated the tendency to imagine the world mostly through the prisms of our own contingent experiences and the experiences and perspectives of others who are “like us.” In so doing, we have begun to give substantive content and practical meaning to our commitments both to antiessentialist analysis and to ant子ubordination solidarity—commitments that conceptually define the otherwise fluid, shifting, and intersectional parameters of the Lat-Crit “community.”

Now—five years later—this record of collective achievement confirms LatCrits’ early convictions and commitments. These convictions and commitments are reflected in both sets of texts presented in this Symposium. Each “set” is comprised of an article and two commentaries, with a foreword and afterword bookending the Symposium as a whole. In the opening article, Professor Margaret Montoya conducts a detailed, cross-cultural accounting of silence and its sociopolitical uses and misuses. She is particularly interested in challenging the way dominant representations of the meaning of silence, particularly the silence of individuals belonging to subordinated groups, serve to reinscribe relations of domination and exclusion and to marginalize alternative cultural understandings.<sup>32</sup> In their commentaries, Professors Steven Bender

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30. For a description of the substantive themes of the plenaries at LatCrit V, see *Fifth Annual LatCrit Conference: Substantive Program* (visited November 28, 2000) <<http://nersp.nerdc.ufl.edu/~malavet/latcrit/lcvdocs/substantiveprogram.htm>>.

31. See Iglesias, *supra* note 12, at 352–53 (linking the construction of “dynamic and authentic community” both to the articulation of inter-group commonalities as well as to the respectful embrace of inter-group differences).

32. See generally Montoya, *supra* note 7.

and Dorothy Roberts effectively link Professor Montoya's analysis to their own experiences teaching law in order to reveal substantial obstacles currently confronting the task of preparing law students to practice law for social and racial justice.<sup>33</sup> In the second "set" of essays, Professor Gema Pérez-Sánchez unfolds an inter-disciplinary analysis of Spain's sex/gender national anxieties and their homophobic lawmaking potency, situating this analysis in a rich and multidimensional exploration of the relationship between homophobic ideology, totalitarian practices, and the struggle for a more substantive vision of democracy.<sup>34</sup> The commentary by Professor Peter Kwan raises probing questions, urging further interdisciplinary exploration of the intersections between fascism, homophobia, and the transformative potential of Queer identity,<sup>35</sup> while the commentary by Professors Ratna Kapur and Tayyab Mahmud extends the discussion, incisively interrogating the relationship of (hetero)sexuality to the project of "nation-building" and the structures of totalitarian power (and resistance to it) both within and beyond the state apparatus.<sup>36</sup>

The rich diversity of methodology, terrain, positionality, and perspective reflected in these articles and commentaries is salutary, revealing important, and otherwise invisible, connections between the antiessentialist, antisubordination objectives underlying Lat-Crit theory and social justice agendas, on the one hand, and antitotalitarian struggles, on the other. They inspire demands for more and better of the same.<sup>37</sup> This Symposium, as well as these times, challenges us to expand our practices of "multi-dimensionality" and to interrogate continuously the meaning, and expand the substantive parameters, of the commitment to antisubordination that animates LatCrit theory, community, and praxis. In the next two Parts, we briefly take up these two pressing imperatives and reflect on the contributions of the Symposium articles and commentaries to the further evolution of LatCrit discourse and analysis.

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33. See Bender, *supra* note 7; Roberts, *supra* note 7.

34. See Gema Pérez-Sánchez, *Franco's Spain, Queer Nation?*, 5 MICH. J. RACE & L. 943 (2000), 33 U. MICH. J.L. REFORM 359 (2000).

35. See Peter Kwan, *Querying a Queer Spain Under Franco*, 5 MICH. J. RACE & L. 989 (2000), 33 U. MICH. J.L. REFORM 405 (2000).

36. See Ratna Kapur & Tayyab Mahmud, *Hegemony, Coercion and Their Teeth-Gritting Harmony: A Commentary on Power, Culture, and Sexuality in Franco's Spain*, 5 MICH. J. RACE & L. 995 (2000), 33 U. MICH. J.L. REFORM 411 (2000).

37. See, e.g., Kwan, *supra* note 35, at 5 MICH. J. RACE & L. at 989, 33 U. MICH. J.L. REFORM at 405 (calling for "more articles in the legal journals such as Professor Gema Pérez-Sánchez's").

## I. MULTIDIMENSIONAL ANALYSIS: GROUNDING LATCRIT THEORY, COMMUNITY, AND PRAXIS

The LatCrit imperative of multidimensional analysis and action is presaged by early outsider insights, such as intersectionality and multiplicity, because these twin concepts demand more than single-axis, or unidimensional, analysis of sociolegal conditions.<sup>38</sup> Multidimensionality, then, proceeds from multiplicity and intersectionality, making it akin to a form of “multiintersectionality.”<sup>39</sup> However, multidimensionality denotes more a *qualitative shift* in analytical consciousness and discursive climate than a *quantitative increase* in the recognition of identities and their intersections. This is simply to say that “multidimensionality” cannot be reduced to a mere recitation of the multiple diversities that constitute (and oftentimes disrupt) racial or ethnic categories, such as “African American,” “Asian American,” “Native American,” or “Latina/o.”

On the contrary, “multidimensionality,” as we use the term here, calls for a profound and far-reaching recognition that the particularities of religion, geography, ability, class, sexuality, and other identity fault lines run through, and help to configure and *to interconnect*, all “racial” or “ethnic” communities.<sup>40</sup> Thus,

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38. See, e.g., Kimberle 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 (1989); Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990) (arguing that gender essentialism in feminist legal theory silences, among others, the voices of Black women); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REV. 7 (1989).

39. Outsider, or “OutCrit,” scholars have been developing post-intersectional concepts designed, in effect, to advance a kind of “multiintersectional” form of discourse and politics through outsider jurisprudence. 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 Hernández-Truyol, *Building Bridges—Latinas and Latinas at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1991) (on multidimensionality); Darren Lenard Hutchinson, *Out Yet Unseen: A Radical Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997) (on multidimensionality); Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 HASTINGS L.J. 1257 (1997) (on cosynthesis); 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).

40. See, e.g., Iglesias, *supra* note 10, at 628–29 (noting that *all* ethnic and racial groups include “members whose multiple and intersectional identities link each group to every other group” and reflecting on the implication of this insight for combating arguments that antiessentialist theory promotes “Balkanization”); Francisco Valdes, *Queer Margins, Queer Ethics: A Call to Account for Race and Ethnicity in the Law, Theory and Politics of “Sexual Orientation,”* 48 HASTINGS L.J. 1293 (1997) (discussing the ethical and political implications of interconnectivity in the articulation of “Queer” legal theory).

multidimensionality is a necessary analytical and political response to the fact that every “identity” group is a virtual construction that organizes communities around imagined commonalities, even as it suppresses precisely those “differences” that might otherwise reorganize the social, political, and legal fields by reconstituting the structure of group identification and alliance. Multidimensionality, as critical method and political commitment, requires a flexible yet multifaceted approach to critical sociolegal analysis that can operate on several levels at once, depending on context and circumstance. These levels include both intra- and inter-group diversities based on multiple identity sources, such as race, ethnicity, gender, class, sexual orientation, and ability. As we use the term here, multidimensionality may be viewed as a template of critical analysis that is adjustable and transportable across varied legal regimes and social fields.<sup>41</sup>

In addition to describing a mode of analysis, multidimensionality describes an analytical mindset that precedes and informs the framing and contents of an analysis. This mindset is a keen but critical appreciation—at the very threshold of any antistatutory project—of the fact that no structure of subordination “ever stands alone.”<sup>42</sup> At this juncture, this bedrock condition cannot be doubted; not only is it amply demonstrated in this Symposium, but it has also been noted both during and since the formative moments of outsider jurisprudence.<sup>43</sup> A threshold appreciation for

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41. See *infra* notes 57–65 and accompanying text (transposing multidimensional analysis to engage the question of the significance of “Spain” in LatCrit theory).

42. Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183, 1189 (1991).

43. For example, this recognition of interlocking structures of subordination and their implications for identity politics was clearly incipient in early Critical Race Feminist theory in which the political identity of “women of color” was revealed to be a conceptual and political battleground for multiple and competing liberation projects aimed at combating race, class, and gender subordination. Women of color were oftentimes forced by group politics, institutional structures, and legal doctrines to identify either as minorities, workers, or women to the detriment of more fluid, comprehensive, and intersectional alliances across the civil rights, labor rights, and women’s rights movements. See, e.g., Deborah K. King, *Multiple Jeopardy, Multiple Consciousness: The Context of a Black Feminist Ideology*, 14 SIGNS 42 (1988). This was accomplished by sanctioning their alliances with groups, which the dominant constructions of identity and allegiance within these respective movements cast as “others.” Indeed, efforts to acknowledge “women of color” as a distinct identity within each of these movements was resisted on the grounds that a “quantitative” proliferation of recognized identities would fracture the political alliances and group solidarity needed to achieve progressive transformation along a single privileged axis of identity. Oftentimes, this translated into a suppression and marginalization of difference for the benefit of internally dominant interests. See, e.g., Elizabeth M. Iglesias, *Structures of Subordination: Women of Color at the Intersection of Title VII and the NLRA. Not!*, 28 HARV. C.R.-C.L. L. REV. 395 (1993) (revealing this dynamic in the context of majoritarian labor unions). However, critical race

this bedrock fact therefore can benefit both the conception and execution of *all* antisubordination projects.<sup>44</sup> Multidimensionality signifies both an expansive analytical approach to issues of subordination as well as an antecedent understanding of the interconnected structuring of sociolegal biases that necessitate this expansive approach.<sup>45</sup> Yet, multidimensionality as LatCrit method must also have a substantive purpose. Through our sustained and collective engagement in each others' differences of perspective and position, this purpose has emerged, in ever clearer and increasingly self-conscious ways, as a commitment to anti-subordination in any and every context.<sup>46</sup>

Multidimensionality, then, describes a method of critical analysis that seeks both to interrogate the diversity and particularity of specific contexts and to situate those findings within a critical deconstruction of the larger structures of subordination that op-

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feminists responded by asserting a "qualitatively" different approach to analyzing structures and practices of subordination. That approach was multidimensional analysis centered on combating subordination organized around all three categories of identity at once, by focusing on the subordination of women of color "at the intersection" of race-, class-, and sex-based discrimination. See, e.g., Crenshaw, *supra* note 38; Harris, *supra* note 38. Only this kind of multidimensional commitment to combat all forms of subordination could effectively foster the liberation aspirations of women located at the intersection of these different forms of subordination. For an early exploration of the implications of this analysis for the construction of antiessentialist institutions, see Iglesias, *supra* note 43 (focusing on the institutional structures of subordination and marginalization produced through the interpretative deployment of essentialist legal categories). LatCrit theory has since carried this analysis forward in profound and far-reaching ways, precisely by recognizing the way essentialist identity configurations suppress our collective recognition of (1) the intra-group differences within Latina/o communities, (2) the inter-group commonalities between Latinas/os and other non-Latina/o outgroups, and (3) the resulting imperative of "antisubordination" as the only normatively and epistemologically defensible guidepost for negotiating our way through this maze of competing possibilities of alliance and identity in ways that foster genuine substantive inter- and intra-group justice *for all*. For further thoughts on this important insight into the political and epistemological implications stemming from the multidimensionality and interconnectivity that informs every identity group including Latinas/os, see Iglesias, *supra* note 10, at 625–29.

44. See *id.*, at 625, 626 (explaining how the objectives and insights underlying the practice of "rotating centers" make it an imperative in the configuration of any antisubordination project, whether within or beyond the institutional and programmatic parameters of the LatCrit project).

45. See *supra* notes 39–43 and sources cited therein.

46. See Iglesias & Valdes, *supra* note 15, at 516 (exploring the practical implications of this antisubordination imperative through an account linking multidimensional analysis to the practice of "looking to the bottom" in a way that strives relentlessly "to ascertain how power structures relations of privilege and subordination within any given context so that the most vulnerable and marginal within that particular context are never left behind by our critical analysis and political interventions." This imperative by implication demands a fluidity of perspective and analysis that is—necessarily and in all instances—multidimensional).

press and surround diverse outgroups. LatCrit and allied scholars increasingly must deploy multidimensional analysis not only to root out the particularities of subordination in any given context, but also to chart their interconnection with other particularities in other contexts and, ultimately, to design our antisubordination interventions more efficaciously.<sup>47</sup> Our challenge increasingly is to discern patterns from particularities and design synergistic interventions through our mutual engagement in the particularities of each others' realities and perspectives. This we do by locating each particular analysis of social power/lessness and legal position in a more inclusive and comprehensive understanding of the overall organization of privilege and prejudice, which will in turn enable us to recognize and therefore to dismantle interlocking structures of subordination in law and society through our multidimensional analyses and coalitional solidarity.

The articles and commentaries in this Symposium clearly illustrate the practice and value of multidimensional analysis. A key benefit of their analyses is that they offer new, and otherwise inaccessible, insights into the way relations of power/lessness are configured across different sociolegal fields, thus revealing new perspectives on the commonalities and interconnections linking the subordination of different groups in different contexts through ostensibly different mechanisms of coercion, control, and erasure. The two lead articles in this Symposium are a case in point. A unidimensional reading might easily miss the unique opportunity these two articles offer for exploring important, and otherwise invisible, connections between the antiessentialist, anti-subordination objectives underlying LatCrit theory and social justice agendas, on the one hand, and antitotalitarian struggles on the other. This is because, in a superficial and unidimensional reading, these articles seem to have nothing to do with each other. A brief review illustrates the point.

Professor Montoya's project is to provide a comprehensive exploration of "the interplay between the subordinating aspects of

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47. See, e.g., Iglesias, *supra* note 10, at 596–600 (describing this process as the search for "common contexts" in the struggle for justice, and illustrating its efficacy through an analysis of the common contexts of struggle shared by Haitian and Cuban refugees otherwise divided by the domestic racism reflected in their differential treatment); Iglesias, *supra* note 12, at 351 n.8 (centering international relations, national security ideology, and (inter)national political economy as common contexts of struggle for activating coalitional projects and alliances between Asian Pacific Americans, Latinas/os and Blacks); Luna, *supra* note 16, at 692–97, 711–16 (centering the historical evolution of Anglo-American property law as a common context of struggle against the material dispossession of Blacks and Chicanos with important implications for current-day struggles).



being silenced and the liberatory aspects of silence, its expressive and performative aspects that are part of our linguistic and racial repertoires.”<sup>48</sup> In exploring silence, Professor Montoya traces its modes and manifestations across the fields of cultural, classroom, and legal discourse. In each instance, her analysis advances a rich and complex argument that simultaneously seeks to reveal the cultural and racial biases embedded in, and reproduced by, the manner in which silence is interpreted, represented, and performed in the discourses that dominate these three fields, even as she articulates alternative ways of understanding and performing silence and seeks to excavate the transformative potential embedded in these understandings and performances. Her argument is that subordinated groups are oftentimes forced into silence by dominant discursive practices (“centripetal forces”) that “crowd” us out or erase our realities, and that the possibilities of using silence in transformative ways to disrupt and resist (“centrifugal forces”) are foreclosed by the fact that dominant interests routinely misinterpret the meaning of our silence.

There is no doubt that this is a complex and difficult argument to make. It requires us to imagine what the silence of the marginalized and subordinated *might* mean culturally, politically, and interpersonally *if* our self-understandings were culturally dominant. Silence *is* at times a self-experienced instance of resistance and withdrawal, oftentimes in disgust and disdain for the processes, practices, persons, and/or institutions that trigger our silence. Being the object of disgust and disdain is hardly a mark of distinction or dominance, and yet there remains a profound disjuncture between this way of understanding the meaning of one’s own silence and the performative impact of such silence on the structures of power/lessness that organize the social spaces and institutions we inhabit. This disjuncture is precisely the space in which our silence is misinterpreted as submission, rather than disdain. It is this disjuncture that raises doubts about the transformative potential of “holding silence” in *this* culture.

Professor Montoya is well aware of this problem and the issues it raises.<sup>49</sup> The profound importance of these issues is in turn reflected in Professor Roberts’ thoughtful commentary. According to

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48. Montoya, *supra* note 7, at 5 MICH. J. RACE & L. at 850, 33 U. MICH. J.L. REFORM at 266.

49. See *id.* at 5 MICH. J. RACE & L. at 863, 33 U. MICH. J.L. REFORM at 279 (noting that the meaning of oppositional silence is oftentimes submerged by the hegemony of dominant (mis)interpretations).

Professor Roberts, Professor Montoya's argument presents a significant challenge for resistance scholarship and praxis. This challenge results from the fact that "[t]he distinction between what is compelled and what is defiance is not always apparent."<sup>50</sup> In this vein Professor Roberts asks whether we really can "tell the difference between silence that is coerced by repression and silence that is an act of resistance? Does outsiders' silence in response to dominant speech challenge the status quo or simply acquiesce in it?"<sup>51</sup> These questions, and the fact that both Professors Montoya and Roberts locate their analysis of silence and resistance in the law school context, prompt further reflections on the way silence is institutionally and discursively organized, as well as on its implications for the future of diversity in the American legal academy. Minority (as well as non-minority) law professors and students who are committed to fostering diversity and inclusion in the legal profession are quite familiar with the ways in which resistance to exclusionary admissions, appointments, and promotion practices is silenced. Oftentimes this silence is organized around discourses of "collegiality," which cast resistance as "uncollegial," or through discourses of "academic freedom." These discursive practices enable impunity by silencing internal criticism and deflecting external accountability from the frequently racist and sexist decision-making processes through which social elites reproduce their political, institutional, and cultural dominance.

A unidimensional analysis of the Montoya-Roberts "debate" would easily conclude that while silence in this context may be internally experienced as an expression of disgust, rather than submission, in *this* context it nevertheless operates to acquiesce in injustice. But Professor Montoya's analysis is *not* unidimensional. As we read her text, she does not ultimately disagree with Professor Roberts, for she readily acknowledges and insightfully explores the uses and abuses of silence in *performing* acquiescence to injustice.<sup>52</sup> For this reason, her multidimensional analysis forces one to struggle for a broader understanding of the way subordination is configured and transformed. This is because Professor Montoya is not simply writing about resistance and the role of silence in

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50. Roberts, *supra* note 7, at 5 MICH. J. RACE & L. at 930, 33 U. MICH. J.L. REFORM at 346.

51. *Id.* at 5 MICH. J. RACE & L. at 931, 33 U. MICH. J.L. REFORM at 347.

52. See Montoya, *supra* note 7, at 5 MICH. J. RACE & L. at 884, 33 U. MICH. J.L. REFORM at 300 (quoting Ann Scales on "the quid pro quo" offered to law students and professors by the status quo—that is, the appearance of power in exchange for saying nothing and doing nothing to threaten it.)

performing it (or not); she is in fact performing resistance precisely by presenting an alternative account of the meanings of silence from the perspective of subordinated cultures. Her resistance is against the broader structure of power that not only silences the marginalized and subordinated individual, but also destroys the cultural understandings and suppresses the self-understandings through which these individuals oftentimes *do, in fact*, perform their resistance through silence. This exchange thus reveals the totalitarian dimensions of domination, which not only structure relations of power/lessness, but construct the “meanings” that define reality. In this totalitarian reality, the marginalized and subordinated have no choice but to assimilate to precisely those practices and methods of “resistance” through which “change” can be effectively achieved. They must “play the game to win,” even if playing the game requires them to abandon the meanings and understandings that define their cultural difference.

This is, indeed, a *very* hard argument to make, for it forces us to recognize the awesome dimensions of power that oftentimes may coerce us to relinquish difference in the very act of defending it. And yet Professor Montoya *does* resist—in and through the meanings she excavates and offers us here. In doing so, she significantly expands our understanding of the meaning of culture and counsels us to bear in mind that efforts to preserve cultural diversity, unlike other forms of political struggle, require forms of resistance that can counteract the cultural destruction that our participation in “effective” political struggle may produce, both internally in our souls and externally in the cultures whose extinction we seek to combat. She also leaves us to ponder whether and how we decide whether there are some games that simply are not worth winning.

Professor Bender’s commentary takes up and effectively expands upon a different dimension of Professor Montoya’s multidimensional analysis. Professor Montoya’s analysis of silence aims to show “how silence and silencing are used to draw and maintain the borders of racialized power.”<sup>53</sup> One important dimension of her project traces the way legal discourse silences issues of race in the articulation of legal doctrine and the adjudication of legal disputes. Her analysis crosses numerous doctrinal domains, revealing the relationship between racial subordination and the interpretations of silence that inform legal analysis, as well as exploring the silence *of* law regarding matters of

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53. *Id.* at 5 MICH. J. RACE & L. at 850, 33 U. MICH. J.L. REFORM at 266.

race. Focusing, for example, on the doctrinal structure of American property law regimes, she makes a compelling argument that the silence of law on matters of race obscures the relationship between property, power, and White supremacy.<sup>54</sup>

Professor Bender takes up this dimension of Professor Montoya's analysis and substantially expands it by reflecting on his own experiences teaching a course titled *Chicano/as and the Law* in an Ethnic Studies program.<sup>55</sup> In his commentary, Professor Bender effectively displays how the complex dynamics critiqued by Professor Montoya play out in the context of higher education; he shows the applicability of Professor Montoya's analysis to our profession. After further mapping the erasure of Latinas/os across multiple fields of law, Professor Bender reflects, as a teacher, on the demoralizing and demobilizing impact that a deeper understanding of the way American law erases Latina/o experiences, interests, and realities too often has on the idealistic young students who take his class in the eager expectation of one day practicing law for social justice. Professor Bender thus raises profound questions about the role of legal education in preparing agents of progressive transformation.<sup>56</sup>

Of course, as earlier indicated, this brief review of some of the insights offered and debates triggered by Professor Montoya's article and responding commentaries might prompt one to ask what any of them has to do with Spanish literature and legal history, Franco's fascism or Queer theory—the topics taken up in this Symposium by Professor Pérez-Sánchez's article and the responsive commentaries. Approached through a unidimensional lens, the answer might well be nothing. Indeed, one might fairly ask what the evolution of LatCrit discourse, understood specifically as a project to develop antiessentialist, antisubordination critical theory and political community among diverse groups of scholars and activists, has to gain from any engagement with Spain. Certainly, one ready answer is that the historical and continuing impact of Spanish colonialism and contemporary projects, as well as the

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54. See *id.* at 5 MICH. J. RACE & L. at 894–96, 33 U. MICH. J.L. REFORM at 310–12. For a kindred argument on the centrality of property law in the dispossession of Blacks and Chicanos, see generally Luna, *supra* note 16.

55. See Bender, *supra* note 7, at 5 MICH. J. RACE & L. at 915, 33 U. MICH. J.L. REFORM at 331.

56. See *id.* at 5 MICH. J. RACE & L. at 922–26, 33 U. MICH. J.L. REFORM at 338–42; see also Iglesias, *supra* note 10, at 605 (making similar observations about the impact of legal education on minority students and the pressing need for reforms in the structure of legal education, the profession, and the delivery of legal services to the poor).

terms and conditions under which Spanish supremacy gave way to the rise of the United States as a global and imperial power, have had profound and lasting effects on the configuration of Latina/o identities and social realities, both within the United States and throughout this hemisphere.<sup>57</sup> And yet, in the context of this Symposium, the real payoffs of this engagement stem in large part from the fact that Professor Pérez-Sánchez articulates her intervention, like Professor Montoya, through a multidimensional analysis.

Locating her argument in and around a critical analysis of the way homosexuality was codified in Spain, before, during, and after the Franco dictatorship, Professor Pérez-Sánchez interrogates both the nature of power and the possibilities of resistance, as well as the role of literary production in the struggle for progressive social transformation. In their fascinating commentary, Professors Kapur and Mahmud take up the issues she raises and substantially expand the analytical scope of LatCrit scholarship by retracing the contributions of Gramsci, Althusser, and Foucault, even as the authors challenge the ability of these theories to adequately engage the realities of power/lessness in the uncivil societies organized around colonial and non-capitalist state formations.<sup>58</sup> In doing so, they open a whole range of questions that are ripe for LatCrit engagement, to the extent that “the international move” in LatCrit theory seeks proactively to engage “the struggles and suffering of our Third World ‘others’”<sup>59</sup> in ways that foster the kind of com-

57. See generally Guerra, *supra* note 27; Johnson, *supra* note 12; Wiessner, *supra* note 27 (discussing the state of indigenous peoples in the configuration of Latina/o identities and social realities); Guadalupe T. Luna, *Gold, Souls and Wandering Clerics: California Missions, Native Californians and LatCrit Theory*, 33 U.C. DAVIS L. REV. (forthcoming 2000); *Symposium: Understanding the Treaty of Guadalupe Hidalgo on its 150th Anniversary*, 5 SW. J. L. & TRADE AM. 5 (1998); Kevin R. Johnson, *An Essay on Immigration, Citizenship, and U.S./Mexico Relations: The Tale of Two Treaties*, 5 SW. J. L. & TRADE AM. 121 (1998); George A. Martinez, *Dispute Resolution and the Treaty of Guadalupe Hidalgo: Parallels and Possible Lessons for Dispute Resolution Under NAFTA*, 5 SW. J. L. & TRADE AM. 147 (1998). For the first published volume of LatCrit scholarship exploring intersections between LatCrit legal theory and Spanish legal history, culture and institutions, see generally *Colloquium: Spain, The Americas, and Latinas/os: International and Comparative Law in Triangular Perspective*, 9 U. MIAMI INT'L & COMP. L. REV. (forthcoming 2000) (presenting papers from first international colloquium on LatCrit theory hosted by the Universidad de Málaga Facultad de Derecho and co-sponsored by the University of Miami Center for Hispanic and Caribbean Legal Studies in June 1999). For a description of the substantive themes organizing the First and Second LatCrit Summer Colloquia on Spain, the Americas, and Latinas/os, see *LatCrit en España Colloquia* (visited November 28, 2000) <<http://nersp.nerdc.ufl.edu/~malavet/latcrit/spain/spain99.htm>>.

58. See generally Kapur & Mahmud, *supra* note 36.

59. Iglesias, *supra* note 6, at 180 (grounding the international move in LatCrit theory in the imperative of ensuring that “our particular experiences of oppression . . . inspire us to imagine a broader more inclusive community, based on our common humanity . . .”).

mitment to intergroup justice and solidarity that can shatter the essentialist constructions of difference through which antiracist, antiimperialist ant子subordination alliances, and coalitions too often have been fragmented.<sup>60</sup> To advance the *ant子subordination* objectives of the LatCrit project, this engagement must, as Professors Kapur and Mahmud appropriately suggest, “seek theoretical guidance from Europe’s Others.”<sup>61</sup> To advance LatCrit’s *antiessentialist* commitments to intra- and intergroup justice, this engagement must help us articulate theories that more effectively can reveal the common contexts of struggle<sup>62</sup> that the colonial experience has structured across regions as diverse as Asia, Africa, and Latin America. From both perspectives, Professors Kapur and Mahmud’s commentary offers important insights and maps new trajectories of inquiry as LatCrit theory seeks to reveal interlocking sites of contestation for the struggle against subordination in all its configurations.

Their commentary is particularly on point insofar as they reveal that Spain, for all of its colonial history and modern pretensions, internally has been structured for much of its history around a non-capitalist, illiberal state formation.<sup>63</sup> Indeed, this observation provides a welcome backdrop for reflecting yet again on the LatCrit imperative of multidimensional analysis, as well as on the particular contribution Professor Pérez-Sánchez makes to this project. By focusing LatCrit attention on the criminalization of homosexuality within Spain, Professor Pérez-Sánchez shatters

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60. See *id.*

61. Kapur & Mahmud, *supra* note 36, at 5 MICH. J. RACE & L. at 1006, 33 U. MICH. J.L. REFORM at 422. This point is key. Indeed, LatCrit scholars have repeatedly urged respectful engagement in, and learning from, the work of scholars of color and Third World scholars, whose intellectual efforts oftentimes offer better starting points for critical analysis and whose marginalization in the production and dissemination of knowledge is an important mechanism through which minority interests project their version of reality as inevitable, rational, and just. See, e.g., Iglesias, *supra* note 10, at 658 (urging LatCrit scholars to draw on the writings and analyses of other Third World people and peoples of color in seeking solutions to increasing information inequalities); Kevin R. Johnson & George Martinez, *Crossover Dreams: The Roots of LatCrit Theory in Chicana/o Studies Activism and Scholarship*, 52 U. MIAMI L. REV. 1143 (1999) (urging LatCrit scholars to engage and learn from the rich resources offered by the long history of Chicana/o activism and scholarship).

62. See Iglesias, *supra* note 10, at 599–600 (challenging LatCrit scholars to perform intergroup comparisons in ways that “articulate a broader perspective from which the particular experiences and various claims of different groups can be seen as part of a common struggle for justice”).

63. See Kapur & Mahmud, *supra* note 36, at 5 MICH. J. RACE & L. at 1006, 33 U. MICH. J.L. REFORM at 422 (noting that “[g]iven its relatively backward economy combined with a fascist political order, Spain may well have been closer to a colonized formation than a metropolitan one.”)

otherwise dominant, and profoundly essentialized, images that cast Spain as a unitary “nation-state.” She also marks important points of antisubordination commonality linking all people oppressed by homophobic ideologies and regimes across the essentialist lines of national boundaries and, further, links the particular antisubordination imperatives of Queer liberation to the seemingly more universal project of fostering democracy and preserving democratic transitions.<sup>64</sup>

In this way Professor Pérez-Sánchez reminds us that, like the United States and, indeed, like any nation-state, “Spain” is an imagined construction superimposed upon a people marked by distinctions of class, gender, race, ethnicity, language, sexual orientation, and national origin, among other classifications. Though Spanish colonial histories wreaked havoc at the time and today constitute an important backdrop for the continued reproduction of intergroup injustices and inequalities throughout the Americas, the antiessentialist, antisubordination imperatives of the LatCrit project call for multidimensional analyses that can help us find and align with those at “the bottom” of *any* sociolegal context, including in colonial centers such as Spain.<sup>65</sup> By unpacking and deessentializing our constructions of “Spain,” we not only discover others whose struggles for justice we share and should rightfully embrace, but we also expand the scope of our “coalitional imagination” in ways that can have a profound and material impact precisely because of the cross-national alliances this heightened consciousness of commonality may activate.

In this vein, LatCrit scholars might benefit greatly from a deeper understanding of the “coalitional imagination” and the “multi-dimensional analysis” that prompted approximately 3000 Americans, some ninety of whom were African-Americans, to risk and in many instances lose their lives fighting Franco’s fascist troops in

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64. See Pérez-Sánchez, *supra* note 34, at 5 MICH. J. RACE & L. at 972–73, 33 U. MICH. J.L. REFORM at 388–89 (reflecting on the significance of choosing a transgendered transvestite as the witness to history and vantage point on the compelling stakes implicated by the transition to democracy and its possible reversal).

65. Indeed, given the hegemonic power of the United States, it would be particularly odd for Latinas/os living in the United States to invoke Spain’s colonial history as a reason for eschewing our commonalities with subordinated groups within Spain, including Spaniards marginalized and subordinated by precisely such categories as class, race, national origin, gender, and sexual orientation. Certainly, peoples in non-hegemonic states might take a similar view toward the subordination of Latinas/os in the United States. Both positions are equally misguided by essentialist constructions.

the Spanish Civil War.<sup>66</sup> They were known as the "Abraham Lincoln Brigade."<sup>67</sup> From 1936 to 1939, these brave men and women flouted the myopia of United States law and policy and crossed the Atlantic Ocean to stake their lives in support of a democratically-elected government whose ultimate overthrow paved the way for Franco's dictatorship and emboldened Hitler's aggression.<sup>68</sup> For the African-Americans who fought in this war, the interlocking connections between fascism and racism were abundantly evident. Rejecting the essentialism of a unidimensional race-nationalism, they understood the struggle against Mussolini's invasion of Ethiopia and Franco's assault on Spanish democracy to be part of the same battle.<sup>69</sup> Indeed, while their struggles against Jim Crow racism in the United States inspired solidarity with the Ethiopian cause, their decision to take up arms against the fascist assault on Spanish democracy reflected a commitment to eradicating all forms of subordination, particularly the material dispossession of the poor.<sup>70</sup> In the words of one African-American veteran of the Spanish Civil War,

I had been more than ready to go to Ethiopia, but that was different. Ethiopia, a Black nation, was part of me. I was just beginning to learn about the reality of Spain and Europe, but I knew what was at stake. There the poor, the peasants, the workers and the unions, the socialists and the communists, together had won an election against the big landowners, the monarchy and the right-wingers in the military. It was the kind

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66. See generally AFRICAN AMERICANS IN THE SPANISH CIVIL WAR: "THIS AIN'T ETHIOPIA, BUT IT'LL DO" (Danny Duncan Collum ed., 1992). We thank Mari Matsuda for inspiring us to explore the history of Black American internationalist Patriots. See generally Mari J. Matsuda, *Foreword: McCarthyism, the Internment and the Contradictions of Power*, 40 B.C. L. REV. 9 (1998), 19 B.C. THIRD WORLD L.J. 9 (1998).

67. AFRICAN AMERICANS, *supra* note 66, at 5.

68. See *id.* at 23-26, 35-36.

69. See *id.* at 20.

70. For reflections on the significance of class and the legal structures of socioeconomic subordination in LatCrit theory, see Elizabeth M. Iglesias, *Institutionalizing Economic Justice: A LatCrit Perspective on the Imperatives of Linking the Reconstruction of "Community" to the Transformation of Legal Structures that Institutionalize the Depoliticization and Fragmentation of Labor/Community Solidarity*, 2 U. PA. J. LAB. & EMP. L. 773 (2000) (LatCrit sources cited therein); see also Elizabeth M. Iglesias, *Global Markets, Racial Spaces and the Role of Critical Race Theory in the Struggle for Community Control of Investments: An Institutional Class Analysis*, 45 VILLANOVA L. REV. (forthcoming 2000). For further insight into the broad theoretical and political agenda emerging from the LatCrit organizers' decision to center class in LatCrit discourse, see *Class in LatCrit: Theory and Praxis in a World of Economic Inequality*, LatCrit V Substantive Program Outline (visited November 28, 2000) <<http://nersp.nerdc.ufl.edu/~malavet/latcrit/lcvdocs/substantiveprogram.htm>>.



of victory that would have brought Black people to the top levels of government if such an election had been won in the USA. A Black man would be Governor of Mississippi. The new government in Spain was dividing its wealth with the peasants. Unions were organizing in each factory and social services were being introduced. Spain was the perfect example for the world I dreamed of.<sup>71</sup>

These brief remarks can hardly scratch the surface of the many lessons to be learned from the history of African-Americans in the Abraham Lincoln Brigade and the political understandings that informed their personal sacrifices on behalf of Spanish democracy. Nevertheless, these remarks do underscore the insights LatCrit scholars can gain, and the solidarities we can foster, by applying multidimensional antisubordination analysis in every context we examine.

Though not every project need operate on all possible levels of multidimensional analysis at once, LatCrit scholars can and should remain at all times conscious and attuned to the multiple dimensions of the issues and interests we take up. By making multidimensionality a conscious process in the framing and execution of our critical interventions, the limitations of our projects can be self-critically reviewed, and these limitations can be explicitly acknowledged and explained in relationship to the project's antiessentialist, antisubordination objectives. In the same way, scholars can begin more consciously and expressly to delineate the connection between the issues we address in our critical interventions and the larger patterns of power and privilege that confront social justice efforts. Over time, multidimensional thinking can foster a culture of scholarly self-awareness that may facilitate the commencement of a more collaborative and interwoven anti-subordination discourse in the legal academy. Over time, the net result may be an enhanced collective awareness of the multidimensional issues that inhere in every community, discourse, and project. This awareness in turn should motivate more effective coalitional antisubordination initiatives.

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71. JAMES YATES, *MISSISSIPPI TO MADRID: MEMOIR OF A BLACK AMERICAN IN THE ABRAHAM LINCOLN BRIGADE* 95–96 (1989).

## II. ANTISUBORDINATION PURPOSE: ANTI-ESSENTIALISM IN LATCRIT THEORY, COMMUNITY, AND PRAXIS

To be socially grounded, as well as socially relevant, LatCrit (and other outsider discourses) must account for the multiple diversities *within* as well as *across* traditionally subordinated non-White groups. Beyond doubt, multidimensionality is one means of ensuring LatCrit theory's vitality as one method of social justice resistance to the sociolegal ecology of supremacy and subordination. However, in continuing and celebrating the commitment to multidimensional projects, LatCrit theorists concomitantly must devise the means of embracing multiple sources of "difference" in self-critical and empowering ways—in ways that at once recognize differences rooted in past, present, or prospective conditions *and* harness that recognition to aid material antisubordination transformation. Sources of intra- and intergroup difference must be more than mapped and named for the sake of antiessentialism; difference must be put to work for social justice through critical legal theory anchored to an antisubordination purpose. In our view, an ever-present and always-pressing challenge for LatCrit and allied "OutCrits" is the joinder of outsiders' postmodern discourse to a political agenda of substantive social justice. To meet this challenge, LatCrit and allied scholars must find a balance between the insights of antiessentialism and the exigencies of social transformation.

One challenge in the effort to strike such a balance flows from the regressive co-optation of outgroup antiessentialism.<sup>72</sup> A danger already noted is the potential for—or actuality of—majoritarian forces friendly with White and other forms of privilege to turn the complexities and uncertainties adduced through outgroup antiessentialism against LatCrit and RaceCrit theorists and our communities, and also to the detriment of antisubordination goals.<sup>73</sup> Examples range from backlash academic discourse that

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72. See Cho, *supra* note 21, at 439–41; Angela Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CAL. L. REV. 741, 754 (1994); Chris K. Iijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflections on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47, 50 (1997); Patricia Williams, *Metro Broadcasting, Inc. v. FCC: Regrouping in Singular Times*, 104 HARV. L. REV. 525, 529–30 (1990).

73. See, e.g., Sumi Cho & Robert Westley, *Historicizing Critical Race Theory's Cutting Edge: Key Movements that Performed the Theory*, in *CRITICAL RACE THEORY: HISTORIES, CROSSROADS, DIRECTIONS* (Francisco Valdes, Jerome McCristal Culp, Jr. & Angela Harris eds.) (forthcoming).

decries critical analysis as “political correctness” to judicial proclamations that squash affirmative action programs on the ground, effectively, that they essentialize race. These and similar examples contort antiessentialism in similar ways: if “race” and “identity” are socially constructed—if all is multiplicitous, intersectional and diverse—then structural antidiscrimination remedies are over-determined. This perversion of critical antiessentialism—indeed, the general sociopolitical climate of these times—call for LatCrit and other antisubordination scholars to distinguish between variants of “essentialism”—distinctions fully congruent with LatCrit social justice principles and objectives.

In the public discourse of cultural warfare, social backlash, and legal retrenchment, majoritarian reclamation of in-group “rights” to economic preeminence and social primacy has been successfully pursued through a deadly form of identity politics that might be described as majoritarian, or in-group, essentialism. In fact, the “culture wars” declared and waged during the past decade against the nation’s most vulnerable communities by majoritarian backlash politicians and their (un)witting footsoldiers have been based on naked vows to “take back” the country in the essentialized name of traditional, dominant forces.<sup>74</sup> This war has been pursued from coast to coast, against racial as well as other “minority” communities, through the use of varied lawmaking devices ranging from “popular” referenda to judicial rollbacks. In each instance, majoritarian forces peddled essentialized appeals to homogenize majoritarian self-interest and congeal majoritarian resentment of outgroup communities that purportedly deprived majority-identified groups of their right to the best social status and goods. In each instance, an essentialized sense of majority identification underpinned the success of backlash lawmaking.<sup>75</sup> All this while the reactionary “political correctness” social police hiss down progressive cries—or whispers—in the name of antiessentialist indignation and righteousness. This Orwellian status quo thus enables majoritarian identity politics, effectively practiced through majoritarian essentialism, to reassert in-group privilege even while stigmatizing outgroup “essentialism” as a form of resistance to in-group backlash.

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74. See generally Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality and Responsibility in Social Justice Scholarship—Or, Legal Scholars as Cultural Warriors*, 75 DENV. U. L. REV. 1409 (1998).

75. See Valdes, *supra* note 74, at 1426–47.

The consequence is that “identity” has remained intact as a basis for enjoying the privileges of domination while becoming a taboo for rallying resistance to subordination. This hypocritical approach to “identity politics” undercuts the search for intergroup commonalities specifically as a platform for social justice solidarity among outgroups, while at the same time valorizing essentialist affinity among majority-identified in-groups. If permitted, this hypocritical double standard could exploit for subordinationist purposes LatCrits’ antiessentialism.<sup>76</sup> The contemporary Orwellian status quo makes it imperative for LatCrits regularly to revisit and refine the role of outgroup antiessentialism in antisubordination discourse and praxis. In particular, this duplicitous status quo makes it incumbent on LatCrit, RaceCrit, and allied OutCrit scholars to clarify with more precision the forms of antiessentialism that are conducive to antisubordination praxis and transformative theorizing.

To begin with, LatCrit theory cannot revert to any form of pre-intersectional quasi-essentialism that veils outgroup diversities and their sociolegal significance in the conception of, and quest for, equality and equity.<sup>77</sup> But the practice of antiessentialism could benefit in particular moments by strategic activations of quasi-essentialism among outgroups to harness the power of identity and experience on behalf of the antisubordination struggle. By “strategic quasi-essentialism” we thus mean a method of legal scholarship and praxis that recognizes the coexistence—and politicized juxtapositions—of essentialism and multidimensionality in public affairs, and which strives toward critical coalitions that accommodate the complexities of diversity and imperatives of solidarity among “minority” outgroups living under a majoritarian unjust order.<sup>78</sup> The sort of outgroup quasi-essentialism that we embrace here is strategic because it admits no romance with essentialized presumptions of homogeneity or commitment to social justice transformation based on identity, instead using commonalities of identity only as a point of departure for coalescing new and

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76. See Cho, *supra* note 21.

77. See, e.g., Iglesias, *supra* note 10, at 623 (noting that the new intergroup solidarities enabled by a critical deconstruction of the Black-White paradigm “cannot be promoted at the expense of our theoretical and political commitments to combating the particular forms of racism experienced by Black people,” particularly given our increasing recognition of the intersectionality and interconnectivity that makes “Latina/o identity” as much Black as it is Hispanic, indigenous, and Asian).

78. See Valdes, *supra* note 74, at 1447 (discussing strategic quasi-essentialism in Queer sociolegal contexts); Wildman, *supra* note 19, at 311 (discussing strategic essentialism in LatCrit Theory).

traditional outgroup antisubordination efforts in strategic moments and substantive ways. This limited practice of essentialism is qualified as “quasi” because it resists the “essentialism” it practices, and it practices this “essentialism” only strategically. As part of a discourse and vision anchored to antisubordination purpose, strategic quasi-essentialism becomes another tool or technique that may assist at some points in LatCrit theorizing, community-building, and even coalitional praxis.

To be sure, strategic quasi-essentialism is no panacea to the troubles wrought by backlash and other such ills. Like “interest convergence” politics, strategic quasi-essentialism is a temporary and self-limiting enterprise. It is, in fact, no more than a short-term catalyst for the mobilization of communities under siege. Like all other tools of outsider scholars and activists, strategic quasi-essentialism is merely one among many means toward social justice struggle and transformation. As always, to sustain outgroup antisubordination resistance in the longer run, a mutual and common commitment to an expansively egalitarian transformation of law and society—rather than “mere” coincidence of biosocial identity—must be shared *and* upheld.<sup>79</sup>

This longer-term reality is what requires outsider scholars to articulate a vision of post-subordination society.<sup>80</sup> While history and experience inform contemporary socioeconomic realities, the differences of the past and present are the context within which we imagine, theorize, and act. While strategic quasi-essentialism may serve momentary antisubordination purposes, a mutual commitment to a common vision of an expansively egalitarian future—and an ongoing commitment to its material attainment—are the only glue for long-term antiessentialist community-building and sustained antisubordination activism.

Happily, this Symposium manifests a resolutely antisubordination stance. Professor Montoya’s thorough critique of silence and its (mis)uses and (mis)interpretations exudes a sharp antisubordination purpose. Professor Roberts’ commentary explicitly explores the complicated dynamics of silence to help advance its antisubordination deployment in and through “resistance scholarship”—such as LatCrit theory—while Professor Bender’s commentary turns to language law and policy to display and confront the “deteriorating

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79. See, e.g., Robert S. Chang, *The End of Innocence, or Politics After the Fall of the Essential Subject*, 45 AM. U.L. REV. 687 (1996).

80. See generally Francisco Valdes, *Outsider Scholars, Legal Theory & OutCrit Perspective: PostSubordination Vision as Jurisprudential Method*, in CRITICAL RACE THEORY, *supra* note 73.

conditions for progressive lawyering”<sup>81</sup> and to attract the attention of progressive Latina/o students toward an education and, perhaps, a career in social justice lawyering. Similarly, Professor Pérez-Sánchez centers the socially and statutorily denigrated “homosexual” in her analysis to expose and tranquilize Hispanic traditions of homophobia and to promote sex/gender egalitarianism more generally. In their two commentaries, Professors Kapur and Mahmud, as well as Professor Kwan, push for thoroughly cross-cultural and transnational frameworks of critical analysis and social activism to help bring into view the interconnectedness of systems of subordination. Individually and as a Symposium, these texts aptly demonstrate the substantive value and multifaceted functions of LatCrit theory as antistatutory scholarship.<sup>82</sup>

Individually and as a Symposium, these texts likewise demonstrate the crucial juncture of antiessentialism and antistatutory in LatCrit theory. In each instance, the Symposium texts represent clear efforts to intervene on behalf of the subordinated, the devalued, the marginalized among us. But, while so doing, each Symposium author also (de)centers essentialized categories of law, society, and dominant cultural understandings. In each instance, the Symposium texts effectively practice antiessentialism to promote antistatutory. Uniformly, the Symposium authors put under LatCrit pressure the normalized categories and accompanying (mis)conceptions to which humans become acculturated—and subservient—through coercively Euroheteropatriarchal ideologies, hierarchies, and systems.<sup>83</sup>

These articles and commentaries thereby point to the substantive anchor for LatCrit antiessentialism. This Symposium makes plain that critical analysis and praxis, while requiring multidimensional frameworks, need also be grounded in antistatutory purpose at all times and in all contexts. Antistatutory principles and analysis, applied in critical and self-critical ways, provide the substantive limits for and directions

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81. Bender, *supra* note 7, at 5 MICH. J. RACE & L. at 924, 33 U. MICH. J.L. REFORM at 340.

82. See Valdes, *supra* note 9, at 1093–94 (presenting a synopsis of LatCrit theory’s four functions: the production of substantive knowledge, the advancement of social transformation, the expansion and connection of antistatutory struggles, and the cultivation of antiessentialist communities and critical coalitions).

83. See generally Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender & Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161 (1996) (describing some of the sex/gender and sexual orientation norms that underlie and animate androsexism and heterosexism to produce the patriarchal form of homophobia—heteropatriarchy—that still prevails in Euroamerican societies, including the United States, today).

of antiessentialism in LatCrit theory, community, and praxis. Thus, antiessentialism is no end unto itself; its utility is defined in relation to a contextual antisubordination purpose. In LatCrit theory, community, and praxis, antisubordination ideally always contextualizes and informs antiessentialism.

In closing, this Introduction celebrates the continuation and advancement, via this Symposium, of the LatCrit project as we enter the second half of our first decade. As this Symposium well illustrates, this LatCrit project, while a young and fragile experiment, continues to grow—to broaden and deepen, as a discourse, community, and praxis. This growth continues to evince a strong embrace and earnest practice of antisubordination and antiessentialism through multidimensional analysis and critique. For this vitality and grounding, we salute—and congratulate—the authors and editors who bring us this enriching collection of new LatCrit texts.