LatCrit VI, Outsider Jurisprudence and Looking beyond Imagined Borders

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AFTERWORD
LATCRIT VI, OUTSIDER JURISPRUDENCE AND LOOKING BEYOND IMAGINED BORDERS

Ediberto Román

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The white man ... desires the world and wants it for himself alone. He considers himself predestined to rule the world. He has made it useful to himself. But there are values which do not submit to his rule.

Frantz Fanon

If God were black my friend, everything would change, it would be our race, my friend, which would have the power. The President would be Black and the Governor Black. The Lawyer would be Black and the Doctor Black, my friend. The Pope would be Black and the Minister Black. The Angels would be Black and Jesus Christ Black.

Roberto Anglero

* Professor of Law, Florida International University College of Law; B.A., Lehman College; J.D., Wisconsin University School of Law. This Essay is dedicated to Mr. Carmen Hernández. Thanks goes to Professors Mary Romero, Guadalupe Luna, Scott Norberg, M.C. Mirow, and Kevin Johnson for their thoughtful comments on this Essay. Much thanks also goes to Professors Frank Valdes, Lisa Iglesias, Kevin Johnson, and Berta Esperanza Hernández-Truyol for their roles in maintaining the vibrance and vitality of critical race discourse, the University of Florida Levin College of Law for supporting and hosting the conference, and the organizers of LatCrit VI for a wonderful job and allowing me to contribute with this Afterword. Thanks once again goes to my incredibly diligent and professional Research Assistant, Mr. Theron Simmons. Finally, endless thanks go to Carmen Hernández, Andres Román, Katerina Estrella Román, Christian Isaiah Román, and Nicholas Gabriel Román for being the reasons why I care and write about racial justice.

1. JANHEI NZ JAHN, MUNTU: AN OUTLINE OF THE NEW AFRICAN CULTURE 23 (Marjorie Grene trans., 1961) (1958) (exploring the primary assumptions and principles upon which African world-view and culture are based) (quoting Frantz Fanon).

The Sixth Annual LatCrit Conference (LatCrit VI) titled “Latinas/os and the Americas: Centering North-South Frameworks in LatCrit Theory,” was the latest installment of the leading progressive scholarly movement addressing nonwhite critical jurisprudence. The goals of the conference were to explore the ties that bind Latinas/os residing in the United States to their homeland’s societies and cultures, and to examine the impact of globalization on critical jurisprudential discourse. The conference was attended predominately by straight and gay law professors of color, including Latinas/os, African Americans, Asian Americans, and indigenous persons, most of whom describe themselves as LatCrits or more whimsically, LatCritters. Other participants included White colleagues, members of other disciplines including historians, sociologists, and anthropologists, as well as students and other friends. They all came together to continue an academic endeavor that examines, challenges, and at times attacks traditional Anglocentric American legal jurisprudence. The educational, ethnic, racial, gender, social, and class diversity of this multicultural group contributed significantly to the excitement and the variety of the discourse and exchange.

The LatCrit movement is an experiment of outsider scholarship that seeks to unmask the modalities of modernity, which has in turn led to the systematic institutional subordination of Latinas/os and other marginalized groups. Self-reflection of the Latina/o condition and examination of identity politics has been a hallmark of the undertaking from its inception. The movement’s central aspirations are to develop coalitions of like-minded progressives, enhance theoretical discourse, and conceive of and engage in antisubordination praxis. Scholars within the group have


5. Enormous credit must be given to the movement's founders, Professors Elizabeth Iglesias, Francisco Valdes, Berta Esperanza Hernández-Truyol, Selena Romary, and others for their vision, tireless work ethic, and skills at coalition building. Without them not only would there not be a movement, but also many of its members, including this author, would not reach their professional and educational development.


7. See Berta Esperanza Hernández-Truyol, LatIndia II—Latinas/os, Natives, and
grappled with the tension of advancing and developing postmodern multicultural theory while at the same time implementing progressive praxis.8

While, by its very name, LatCrit was intended to focus on the plight of Latinas/os without the limiting factor of constructed borders of the nation-state, the primary inquiry of the scholarly undertakings has, to a considerable extent, examined the effect of racism within the United States.9 Notwithstanding this fact, the movement has made great strides in promoting global critiques by, among other things, holding conferences specifically focusing on international issues, inviting renowned international scholars and activists of color, and holding scores of plenary and concurrent panels on transnational concerns.

LatCrit VI also situated the movement to explore beyond imagined sovereign or parochial domestic constraints. LatCrit VI sought to examine the ties that "bind Latina/o Communities in the United States to their homeland societies, cultures and economies."10 As its title suggests, the focal discourse of the gathering had a broader emphasis than just an exploration of the impact of U.S. laws on domestic issues.11 In other words, the effort was to undertake a comparative study of domestic issues concerning Latinas/os and comparable concerns throughout the Americas.12 This transnational emphasis was a stated agenda for the conference, which encouraged inquiry into ways that illuminate and elucidate the north-south character of Latina/o transnationality,13 or pan-ethnicity.14 This emphasis is also a product of the efforts by members of this group to expand outsider critical jurisprudential movements.15 The emphasis appreciates the anomalous status that encapsulates Latina/o identity in the United States. That status is characterized by attributes of citizenship or belonging to the United States, yet at the same time being

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8. See generally id. (addressing the complexities of and tensions arising at LatCrit conferences).


10. Substantive Program Outline, supra note 4.

11. Id.

12. Id.

13. Id.


branded with the social perception of an alien or foreigner—hence the existence within the alien-citizen paradox.

The broader progression of the movement is perhaps the inevitable response to one of its founder’s questions during the movement’s formative years; namely, can scholars of this movement maintain the momentum of their scholarly experiment? Specifically, Professor Frank Valdes’ query centered on whether, as a progressive, outsider, scholar-driven effort, the LatCrit struggle could continue to consolidate, progress, and sustain its undertaking. One way to answer this query may involve looking beyond our imagined nation-state borders and addressing the subordination of Latinas/os globally, which in turn will likely promote coalition building with like-minded critical thinkers and those from different schools of thought situated throughout the world. This Afterword, in addition to examining LatCrit in general, and the works submitted for the LatCrit VI Symposium, specifically suggests a blueprint for institutionalizing an international and comparative component to all LatCrit Symposia. Perhaps prophetically, the very first LatCrit gathering, even before it had its name, stemmed from a Hispanic National Bar Conference held abroad in the United States colony of Puerto Rico.

Before further addressing this transnational trajectory, a brief reflection on the movement may provide a blueprint for the uninitiated or unconverted. As Professors Johnson, Valdes, and Romero observed at earlier conferences, the LatCrit movement is more than a means to theorize about how law affects Latinas/os; it is an antessentialist antisubordination effort by progressive, often-times younger, legal scholars of color, to: (1) produce critical knowledge as a means to approach greater social justice; (2) challenge perceptions of reality concerning the identity of Latinas/os; and (3) cultivate coalition-building among Latinas/os, African Americans, Asian Americans, indigenous peoples, feminists, queers, and other OutCrits. As these objectives

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18. See generally Román, supra note 16.
19. See generally Valdes, supra note 6.
23. See Valdes, supra note 6, at 1302.
25. See Johnson, supra note 22, at 754-55; Valdes, supra note 6, at 1302; see generally Romero, supra note 9.
illustrate, central to the discourse is an effort to question as well as situate Latina/o racial and ethnic identity. Irrespective of whether particular LatCrit writings have focused on issues of gender, ethnicity, sexual orientation, or race, a central theme of this movement is self-reflection by its members in their writings, as well as an examination of contemporary issues pertaining to questions of the marginalized and stigmatized identity of Latinas/os in the Anglocentric heteropatriarchal American legal framework. Part of the Latina/o identity focus is an attempt to reconstruct the dominant perception of all subordinate and subjugated groups in America.

LatCrit VI aptly addressed the above lofty aspirations in addition to raising a number of broader provocative global themes. This conference produced knowledge, with central themes of the international, particularly by centering renewed paths towards theoretical examinations of the United States' domination or undue influence in Latin American and Caribbean cultural, social, legal, and political frameworks. By continuing examinations of identity pertaining to race, gender, and sexuality, and promoting new thematic directions towards areas such as economics and interdisciplinary studies, as well as renewed emphasis on previously touched areas such as criminal law, the movement continues to challenge dominant visions of reality and is ensuring the longevity and malleability of the intellectual endeavor. As for the third primary aspirational focus—the coalition building goal—it was not only visible in the familial gathering and social interaction, it thrived as a result of the scholarly effort

31. See Valdes, supra note 6, at 1268-69 n.15 (stating that “LatCrits should be proactive about nurturing a self-critical evolution of our collective endeavors”).
32. See Substantive Program Outline, supra note 4.
to expand the movement by inviting interdisciplinary participation and promoting broader global theoretical discourses.

This Afterword, in addition to providing a brief analysis of several topics raised at the conference, will attempt to look beyond the present and immediate future of LatCrit. As part of an effort to incite debate, reflection, and perhaps controversy, this Afterword seeks to promote dialogue concerning Latina/o identity politics, as well as where LatCrit is now and where it will be in the future. It will also attempt to provide one outsider's vision to situate LatCrit at a place where it will continue to be first and foremost "Lat," both within and beyond the United States, and at the same time continue its multicultural, postmodern "Crit" tendencies.

I. BEYOND "THE AMERICA"

When addressing issues affecting Latinas/os, LatCrit scholars have taken a global perspective.\textsuperscript{33} As my colleague, Guadalupe Luna, persuasively highlights,\textsuperscript{34} globalization, including international trade pacts such as NAFTA,\textsuperscript{35} the Caribbean Basin Initiative,\textsuperscript{36} and the proposed Free Trade Area of the Americas,\textsuperscript{37} has universal economic and political ramifications. Globalization's inevitable effects on the lives of Latinas/os and other people of color throughout the world is indisputable. This international phenomenon is an area of increasing importance in traditional scholarship,\textsuperscript{38} though it has received little critical examination.\textsuperscript{39}

\textsuperscript{33} See generally Ediberto Román, Globalization or Global Subordination?: How LatCrit Links the Local to Global and the Global to the Local: A Rare Approach to International Law (RAIL): Is There a Need for Yet Another Critique of International Law?, 33 U.C. DAVIS L. REV. 1519 (2000).

\textsuperscript{34} Guadalupe T. Luna, Foreword: LatCrit VI, America Latina and Jurisprudential Linkages, 54 RUTGERS L. REV. (forthcoming 2002).


\textsuperscript{38} Indeed, the importance of globalism is recognized as the cutting-edge of legal education with law schools such as American University, New York University, and the University of Arizona committing themselves to incorporating current global restructuring into their curriculum. The new public law school in Miami, Florida, Florida International University, has gone one step further, making international law a core component of its curriculum, which includes a required first year course in international and comparative law. The institution has also established International and Comparative Law programs, and has hired a founding faculty with a commitment to the scholarly examination of global issues. See, e.g., M.C. Mirow, Globalizing Property: Incorporating Comparative and International Aspects into First-Year Property Classes (work in progress) (copy of manuscript with the Law Review).

Consequently, globalization needs to be an area of increased focus for critical scholars of color. This movement towards the international, which has begun with efforts by several LatCrits, is in its infancy. It is, however, perhaps the genesis of renewed vibrancy of an already significant theoretical undertaking. Resulting from the impetus of its initiators, LatCrit is well situated to be a leading voice in the global theoretical debate. The so-called New World Order will gray demarcations of nationality, sovereignty, and identity in general. Because this global shift will transcend our own national border and identities, both within the United States and in our homeland societies, progressive outsider scholars should engage in the discourse, which purportedly searches for insights to, and solutions for, common global problems. Globalization will also affect, among other things, immigration, economic dependency and development, democratic reform, self-determination, human rights, and minority rights within existing sovereigns. As such, globalization may very well have the hegemonic effect of furthering the Americanization or “Westernizing,” so to speak, of the world. These consequences alone pose the danger of further silencing the marginalized and thus also of decreasing traditional academic inquiry into the lives of Latinas/os and other marginalized groups, unless progressive leaders engage the traditionalists.

The consequences of first-world globalization on people of color will often be pernicious and will not only affect the lives of Latinas/os in the Americas, the Caribbean, and other areas, but it will have an indirect impact on these groups within the United States. Latina/o communities within this country are pan-ethnic, with ties here and to their homelands. These groups directly affect, and are affected by Latinas/os throughout the world. This reality, among others, demonstrates that Latinas/os residing in this country exist, in many respects, in a transnational status “typically retaining strong material connections to, and cultural identifications with, their homelands’ traditions, issues, concerns, hopes and aspirations.” These characteristics have global effects that are not limited to trade, which includes the movement of capital to and from transnational regions and the migration of thousands of individuals, it will also affect perceptions of identity, nationality, and democracy. In addition to

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40. See, e.g., Román, supra note 33.
42. See generally Román, supra note 14 (noting the pan-ethnicity of Latinas/os).
43. Substantive Program Outline, supra note 4.
globalization and the western support of it, the United States’ related, omnipresent influence in world affairs will continue to have an enormous impact.

Even prior to becoming the world’s sole superpower, the United States’ policies and laws often negatively affected Latinas/os. These policies, even when masked as addressing local, national, or domestic matters, had a much broader impact. Before the word LatCrit was mentioned, leading Latina/o scholars appreciated the fallacy of the domestic domain. Professor Olivas, for instance, in addition to demonstrating the similarities in the oppression of the Mexicans, Native Americans, and Chinese Americans, revealed the international impact of laws allegedly geared to address domestic matters. For example, during the United States’ Great Depression, Los Angeles was targeted for massive deportation for those who looked Mexican or had Spanish-sounding names. During the period of 1929-1935, over 80,000 Mexicans were deported, even though many of them had the legal right to be in this country or were citizens of the U.S., because they did not have the ability to prove they belonged in the United States. Over half a million Mexican and United States citizens, some of whom had never even been to Mexico, were also “voluntarily” repatriated to their purported homeland. These are American stories that progressive scholars, such as LatCrits, have explored. These are also international stories of oppression that should be part of a global LatCrit examination. These are also ongoing stories. For instance, when one thinks of the United States military bombings in Vieques, Puerto Rico, the violent political oppression in Latin America, or the repatriation of Haitians off the shores of Miami, Florida, we are reminded that oppression and discrimination thrives today. These facts also can be LatCrit rallying points. As the movement has already appreciated, it would be shortsighted for any endeavor advancing the interest of subordinate groups not to focus its inquiry on existing global, political, and economic shifts. Globalization is

45. See generally id.
47. Id. at 437.
48. Id.
49. Id.
a phenomenon that is causing such a shift, and LatCrits must continue to respond accordingly.

LatCrit is situated to continue its examination of the realities facing Latinas/os in Latin America and in other regions. The movement, consistent with its prior efforts, will likely continue to explore issues concerning group identity, and critique legal, political, and economic structures with an eye towards achieving true social justice. Latina/o communities within the United States, as well as Latin America, are multiethnic, multilingual, multicultural, and multiracial. LatCrit has appreciated this intergroup and intragroup diversity, a diversity that includes educational background, language, history of conquest and subjugation, color, class, gender, and sexual orientation. Accordingly, LatCrit has understandably explored global concerns affecting Latinas/os.

II. THE LATCRIT TRAJECTORY

As the above discussion suggests, LatCrit VI initiated and produced an impressive body of international work. LatCrit VI has done well in achieving the aspiration of producing knowledge and challenging Anglocentric perceptions of reality. In addition to the workshops, works-in-progress presentations, and keynote presentations of the eight clusters of essays resulting from the conference, at least five of these groupings engaged in a comparative analysis between domestic and international Latina/o issues. With themes such as the “North-South Frameworks,” “Cubans Without Borders,” “Migration and Citizenship,” and “Cultural and Postcolonial Critiques,” the conference engaged in a critical discourse beyond classic western constructions. The stimulating discourse engaged in by these groups touched upon the multidimensional and multicultural nature of Latinas/os, particularly when examining the intersections between gender, gender relations, race, class, and the transnationality of Latinas/os.

In the North-South Frameworks cluster, for instance, the authors not only explored Latin American legal systems, but also engaged in interdisciplinary transnational examinations of identity as reflected by the law. In an effort to unmask systematic bias and propose reform geared towards social justice, contributors to LatCrit VI championed progressive structural change. As these works illustrate, there is significant need for outsider scholars to examine the depth of the plight of Latinas/os in the Americas. Such an inquiry will unmask the similarities, perhaps with an appreciation for the daunting extent of Latin American oppression, in the struggles of Latinas/os in the entire region.

53. Sustantive Program Outline, supra note 4.
54. Román, supra note 42, at 483.
Not unlike the outsider critiques of the United States’ democratic experiment, there is considerable room for similar critiques in Latin America. For instance, a review of Latin American history would reveal the shortcomings of that region’s democratic restructuring. The end of the twentieth century witnessed the return of democratic rule to many in Latin America, yet relations between governments and the poor and otherwise marginalized members of their societies were characterized by the illegal and arbitrary use of power.\textsuperscript{55} The return to democratic reform did little to eradicate the authoritarian practices of the state.\textsuperscript{56} Not unlike the history of the treatment of people of color in the United States, brutal violence and gross human rights violations of ethnic minorities, in particular, of indigenous peoples, is common in Latin America.\textsuperscript{57} Much like the bigoted rationale justifying the enslavement of African Americans as witnessed in \textit{Scott v. Sanford},\textsuperscript{58} or the theft and annexation of Mexican lands as witnessed in the Treaty of Guadalupe Hidalgo,\textsuperscript{59} change in Masters for Puerto Rico, Guam, and the Philippines in the 1898 Treaty of Paris,\textsuperscript{60} and the \textit{Insular Cases},\textsuperscript{61} the violations of indigenous peoples’ rights in Latin America is justified because they are perceived to be “undesirable” or somehow “subhuman.”\textsuperscript{62}

Not unlike the dearth of United States legal scholarship concerning the democratic problems of South America, there is relatively little traditional or progressive legal scholarship on Central America. This is a region where the United States has supported dictators, whose acts in turn led to civil wars and mass migration of Salvadorans, Guatemalans, and Nicaraguans to the United States.\textsuperscript{63} These groups have, in turn, become some of the fastest growing immigrant groups in the United States, again illustrating a link between international issues and domestic issues.

The LatCrit VI presenters undertook comparative critiques and introduced critical progressive proposals. For instance, Professor Rojas proposed a multicultural-state framework for the legal and political system.
of Chile. The proposal included identity frameworks in terms of rights of self-determination for indigenous peoples, particularly cultural identity rights and the right to governmental representation. Despite its transformative goal, questions may nevertheless remain concerning whether the new multicultural state will lead to substantive changes in the lives of these marginalized groups. Using a world historical perspective, Professor Scafidi, not unlike previous Critical Race Theory and LatCrit examinations of recent racial constructions, examined, without much reference to Critical Race Theory or LatCrit, how colonizers used Eurocentric constructions to marginalize and classify indigenous peoples.

Professor Esquirol, in a thoughtful methodological piece, reassessed basic understanding of how national law is viewed in Latin America. He explained how early western strategies, used to promote change in the region, actually consolidated a mode of thinking and structural approach that ultimately made progressive reform difficult. This critique demonstrates how traditional scholars and policymakers parochially used Western constructions to explain shortcomings in Latin American legal and economic development.

Similarly the “Cubans Without Borders” cluster looked beyond Western demarcations of the sovereign, examining identity constructions of Latinas/os in the Caribbean and the United States. Professor Valdes, in a thoughtful, timely, and innovative work, examined how mean-spirited Cuban elitists in both Havana and Miami have effectively used their respective narratives to betray their noble rhetoric in order to preserve a “win at all costs” attitude. Valdes persuasively demonstrated that by manipulating power and bias, these two groups have sustained racist, sexist, and homophobic vehicles of subordination. Professor Hernández-Truyol similarly examined the two identities of Cuba—the one in Cuba and the other in Miami—and the divergent narratives that emerge from each. Professor Hernández went beyond the domestic to capture the little-known story of “Cubanas” in Cuban history, and examined their

64. See generally Hugo Rojas, Stop Cultural Exclusions (In Chile)!: Reflections on the Principle of Multiculturalism, 55 Fla. L. Rev. 121 (2003).
65. See id.
68. See id.
69. See id.
70. See generally Frank Valdes, Diaspora and Deadlock, Miami and Havana: Coming to Terms with Dreams and Dogma, 55 Fla. L. Rev. 283 (2003).
71. See id.
transformative efforts within Cuba’s social structure. Similarly, Professor Mendible spoke of the two identities of Cuba. An important question raised by these impressive works concerns their characterization of the exile community in the United States and the extent to which that community’s respect for freedom of speech also allows them, at least, to tolerate critical political speech.

Likewise, the cluster on “Migrations, Citizens and Latinas/os” involved an Inter-American critique. Professor Romero’s thorough work on the Child Citizenship and Family Reunification Act examined immigration issues within and without the United States by paying particular attention to the deportation of individuals who are parents of U.S. citizen children. Other works touched on analyses that have global implications. For instance, in his work on “cross[ing] the borders” to explore immigrant status in terms of group identity, Ruben Garcia acknowledged the broader implications of the issue. Though his analysis focused on U.S. labor doctrine regarding immigrants, the work nonetheless contains substantial cross-border implications.

The final cluster of the conference was, by its own terms, primarily theoretical, comparative, and international. Professor Santos provided a thoughtful analytical piece examining globalization as a form of Western, particularly North American, hegemony. Professor Inniss provided a law and literature (or film) critique arguing that science fiction may be a vehicle for the exploration of legal themes and the unmasking of cultural myths. This innovative critique has wide applicability that is applicable to global critiques of the dominant gaze. Professor Wing, one of the leaders of Critical Race Feminist Theory, explored the controversial issue, at least from the United States’ perspective, of sovereignty and human rights for Palestinians.

73. See id.
77. See id.
78. See Boaventura de Sousa Santos, Reinventing a Subaltern Paradigm of Recognition and Redistribution, 18 THEORY, CULTURE & SOCIETY 185-217 (2001).
Several other clusters also analyzed the international. For instance, in his work on the need for critical "raced" economics, Professor Pouncy provided a sophisticated analysis of, and potential direction for, critical scholars. In an era with considerable controversy concerning the goals and impact of globalization and harmonization of institutions such as the World Bank, the World Trade Organization, and the European Union, Professor Pouncy's suggestion for an economic critique should be well-received and followed. Professor Schutte, likewise, looked beyond our borders to examine indigenous issues and LatCrit Theory. In the cluster examining criminality, Professor Mirandé, in a controversial, yet thought-provoking piece, addressed the apparent "Mexican Exception" to the Fourth Amendment.

As this perhaps exceedingly brief overview illustrates, LatCrit VI is a fine example of a primary goal of the movement—producing critical knowledge with an eye towards approaching social justice. This goal was achieved in part by the conference's distinctively international and comparative focus. In the same vein, this thematic undertaking accomplished the goal of challenging perceptions of reality concerning Latinas/os. This broader focus is instrumental to the maintenance of the vibrancy and momentum initiated by the movement's founders. The prior literature of the movement acknowledges the importance of a broader critique, and the movement is likely prepared to take that journey.

The following is a proposal to institutionalize and perpetuate a thematic international and comparative structure at future LatCrit conferences and the works stemming from them. While the structure and focus of the

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conferences have, at times, centered on the global, the themes for the
conferences have followed the inclusionary goal of responding to
expressions of interest by its members. While this approach has been
wildly successful in developing a dynamic conceptual movement and
diverse exchanges within the movement, it has not always achieved a
structural progression or contemporary global emphasis. For instance,
the anniversaries of consequential events in Latina/o history have recently
occurred, such as the 150th anniversary of the signing of the Treaty of
Guadalupe-Hidalgo affecting Mexicans and the 100th anniversary of the
Treaty of Paris affecting Puerto Ricans, Guamanians, Cubans, and
Filipinos. While past LatCrit symposia examined these important
events, the movement arguably did not focus on them. A thematic
international and homeland emphasis that is a co-theme of every
conference may facilitate ensuring a “Lat” global perspective. It may also promote
interdisciplinary involvement and encourage reaching out to Latina/o
communities. For instance, conferences could, in part, be structured to
engage in a comparative analysis of domestic and regional or specific
country inquiries. A comparative Latin American focus as a part of every
conference is manageable and perhaps, warranted. A concerted ongoing
effort that seeks to link international and homeland issues, while
comparing and contrasting each, may assist in engaging historical,
contemporary, and regional specific dialogues at each conference.
Related to this point, an international focus is tied to the LatCrit goal of
building coalitions, recognizing that LatCrit Scholars are multicultural,
and a broader focus will highlight that diversity as well as promote

88. For instance, in 1997, LatCrit held an International Law and Human Rights Colloquium.
In 2000, LatCrit IV focused on expanding frontiers and marginal intersections. LatCrit V similarly
examined Praxis in World Economic Inequality. For a further discussion, see
http:\\linersp.nerdc.ufl.edu/2malavet/latcrit/archives/articles.htm.
89. Treaty of Peace between the United States of America and the Kingdom of Spain, Dec.
90. See generally THE LEGACY OF THE MEXICAN AND SPANISH-AMERICAN WARS: LEGAL,
LITERARY, AND HISTORICAL PERSPECTIVES (Gary D. Keller & Cordelia Candelaria eds., 2000)
[hereinafter HISTORICAL PERSPECTIVES].
91. Indeed some LatCrit theorists, in part because of the LatCrit neglect in this area,
participated in other conferences that recognized the significance of these historical milestones. See id.
Symposium, Understanding the Treaty of Guadalupe Hidalgo on Its 150th Anniversary, 5 S. J.
92. Efforts to reach out to other fields and engage traditionalists does not come without
cautions. LatCrit must be prepared to take criticism from different fronts, even if some might
consider them paternalistic. See, e.g., Siegfried Weissner, !Es India! LatCrit Theory and the Place
93. This includes the Caribbean, Central America, and South America.
94. See, e.g., Johnson, supra note 17; George A. Martinez, African-Americans, Latinos, and
the Construction of Race: Toward an Epistemic Coalition, 19 CHICANO-LATINO L. REV. 213
(1998); Valdes, supra note 6.
interdisciplinary participation. Too often the above topics are separated into panels of their own, and opportunities to engage in more comparative engagements and perspectives are missed.95

The third goal of the movement—coalition-building—is one that LatCrits have spent a great deal of time addressing in one fashion or another.96 As was addressed early on in the movement, "LatCrit theory self-consciously endeavors both the creation of scholarship through community and the creation of community through scholarship."97 This goal has been instrumental in the professional development of young scholars and in educating all participants. This has been an incredibly savvy and fruitful undertaking. The conferences are not only challenging, but at some level they are even intimidating because of the impressive gathering of so many intellectual leaders in academia. The gatherings also have a positive consequence of maintaining a feeling of something akin to a family reunion of sorts.98 This is truly an amazing accomplishment in light of the number of powerful and accomplished participants.

Now, for perhaps some more controversial constructive comments. The movement from its beginning has focused much of its literature on praxis,99 or the connection between theory and practice, geared toward actually transforming social institutions.100 While great scholarly efforts have focused on this goal, past101 and upcoming conference102 agendas have also focused on social justice movements;103 thus it is unclear how much praxis has been achieved beyond the scholarly engagement. Perhaps to many law professors, because in part of the nature of the beast, the

95. Thanks again to Mary Romero for our discussions related to this point.
96. See supra note 94.
97. Valdes, supra note 6, at 1300.
98. While conflicts may exist among LatCrit scholars concerning a host of matters, including the importance of certain scholarly pursuits, LatCrit theorists must continue to work on building communities in, at times, competitive environments or the movement may run the risk of some of the troubles faced by Critical Race Theory. See Valdes, supra note 6, at 1310.
103. See Montoya, supra note 101.
theoretical transformation or challenge is praxis or at least the most influential component of the profession. But the question that remains is whether the theoretical discourse is enough? As addressed in previous LatCrit works, praxis is diverse and LatCrits should explore more ways to move beyond traditional means of dialogue. Related to the question of the limits of scholarship is the concern over whether LatCrit scholars emulate the imperial scholars, well-recognized scholars who largely speak to each other, because of the hierarchal structure of academia. What concrete actions do progressive academic scholars undertake collectively? In other words, are LatCrits, as progressive scholars, sufficiently effecting dominant culture as well as engaging Latina/o communities? As Professor Backer recently observed, scholars of color often end up having little more than interior dialogues. "Dominant groups remain outside this outsider discourse and substantially unaffected by it." If these observations by Professor Backer are true, how can LatCrit evolve to promote social change more forcefully? Does the movement want to undertake this engagement and is it prepared to do so? These questions concerning praxis have no easy answers but merit further discussion.

One possibility is to take from the corporate world and diversify the energies of LatCrit leadership. For instance, the LatCrit board could become more active and committees could be created to engage in plans of action. There could be litigation and legislative committees that could work on amicus briefs or significant litigation on such matters as affirmative action. These committees could also be involved in the public debate by making resources available for editorials, petitions, and other pro-active legislative lobbying engagements. Another committee could specifically focus on global engagements and interdisciplinary outreach. This may assist in keeping LatCrit growing and working on influencing social institutions. Yet another committee could engage in concerted education efforts to develop plans and work product to assist other progressives in their efforts to affect socialization of future lawyers and the means in which law is taught and practiced. These are just a few suggestions for a more community-involved LatCrit movement. While it is likely the case that most LatCrits are individually true forces for change in their respective localities, can LatCrit evolve to undertake more

104. See Román, supra note 14, at 491-92 (arguing that theoretical movements must not lose sight of affecting their communities).
105. See id. at 492.
108. Id.
109. See, e.g., Hopwood v. Texas, 84 F.3d 720 (5th Cir. 1996).
collective efforts? Few would likely question that collective efforts would be greater than the efforts of an individual; likewise, the efforts of many in unison are often greater than the efforts of many working separately.

Related to this notion of reaching out to communities of color and the viability of the movement, a series of additional questions come to mind. Is the movement effectively maintaining the involvement of more senior Critical Race scholars? This is not necessarily an attack on the movement, but a challenge or plea to senior Critical Race statespersons, and LatCrit members or former members, to continue their leadership role in a collective, progressive scholarly arena. As many progressive scholars as possible are needed to maintain, as well as advance, the prestige, vibrancy, and leadership of critical jurisprudential efforts. In addition, such increased visibility will likely increase the interest and participation by younger scholars. Otherwise, a lack of new blood may lead to stagnation by default.110

Are LatCrits and other progressive scholars “leaving their home turf” and engaging in visible challenges to mainstream scholars? This is a question that can be answered fairly easily in the affirmative, particularly when examining the international law arena with works of Professors Hernández-Truyl and Gott, including their work with the American Society of International Law.111 Professor Johnson has similarly attempted to integrate race and race theory into mainstream immigration scholarship and has faced reluctance by traditionalists.112 This question is posed because it should be part of ongoing self-reflection by LatCrits. Can LatCrits or subversives, such as outside scholars, expect to reap the rewards of traditionalists?113 While the answer appears fairly obvious, as Professors Delgado114 and MacKinnon115 demonstrated, outsiders can affect the dominant gaze and consequently, its legal structure. Perhaps, LatCrits and other RaceCrits should follow Roberto Anglero’s suggestion and never stop challenging the perceived racial construction of the Almighty.116

112. See generally Johnson, supra note 110.
113. See, e.g., Backer, supra note 107, at 1173-74.
116. Though an outsider who perhaps too often feels his writings pass with little notice, I recognize that I am blessed and am so happy to have recaptured faith.
Related to efforts at scholarly advancement, are LatCrits sufficiently supporting each other in their scholarship and other professional endeavors outside the conferences?\textsuperscript{117} While these simple and perhaps paternalistic and disturbing questions are applicable to all law professors, LatCrit, as a movement, aspires to a higher goal of coalition-building. In that vein, do LatCrits sufficiently read each other’s work and provide non-conference scholarly support?\textsuperscript{118} This goal is essential to building the body and quality of literature in the movement, as well as promoting broader interdisciplinary involvement and exposure. Do LatCrit scholars cite each other when working on similar projects?\textsuperscript{119} In addition, LatCrit scholars should embrace related interdisciplinary works.\textsuperscript{120} Likewise, interdisciplinary scholars engaging in the LatCrit effort should familiarize themselves with prior LatCrit and Critical Race Theory efforts.\textsuperscript{121} A review of the interdisciplinary works submitted for this symposium issue often illustrated a lack of familiarity with Critical Race Theory, in general, or LatCrit works, specifically. Perhaps, the LatCrit board or conference organizers could create an initial reviewing body to review submissions and provide suggestions to interested authors. This in turn would ensure the quality and development of LatCrit and interdisciplinary scholarship affecting LatCrit. Working in this vein will likely assist the LatCrit effort in deconstructing false norms in the traditional jurisprudential paradigm.

III. CONCLUSION

While the questions raised in this Essay may trouble some, they are honest thoughts from a LatCrit that is proud to be part of a group that owes much to the energies of its founders and to their Critical Race Theory predecessors. LatCrit is changing as well as challenging scholarship and

\textsuperscript{117} While the list of the failure of more senior scholars to acknowledge or even recognize other progressives is long, community quells any effort at more pointed criticism.


\textsuperscript{119} Professor Kevin Johnson is one to be emulated. An extremely well-respected scholar who has always supported much younger scholars like myself; his works and efforts are a model for all of us. Thanks Kevin.


academia. If its energy and momentum can be maintained, it will continue
to promote a progressive agenda aimed at procuring social justice. Praxis
is obviously essential to this goal. Indeed, greater LatCrit institutional
involvement in the application of theory is necessary to promote the goal
of progressive change. This point is not lost to the movement and is a
reason why LatCrit VII, held in Spring 2002, engaged some of these
questions and focused on social movements. Implementing what is learned
here and perhaps what was suggested there may effectuate further change.

Despite the challenges facing LatCrit and this self-examination, the
LatCrit endeavor, as a whole, is impressive and successful, particularly in
its first two primary goals, because its members’ collective energies and
intellect make it a truly unique and potentially transformative group. These
are the thoughts of a not-so-new member of LatCrit.\textsuperscript{122}

\footnotesize{\textsuperscript{122} Cf. Román, Diversity, supra note 14, at 494 ("[T]hese are the views of a newcomer.").}