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## Coming Up: New Foundations in LatCrit Theory, Community, and Praxis

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## AFTERWORD

### COMING UP: NEW FOUNDATIONS IN LATCRIT THEORY, COMMUNITY, AND PRAXIS

FRANCISCO VALDES\*

INTRODUCTION .....	506
I. SELF-CRITICALITY AT WORK: BEGINNINGS, CONCLUSIONS, ACTIONS, AND CHALLENGES .....	511
A. <i>Roots, Origins, and Foundations: From Realism to Critical         Race Theory, LatCrit Theory, and Critical Outsider         Jurisprudence</i> .....	513
B. <i>Self-Study and Strategic Planning: 2008-2011</i> .....	523
II. LIVING JUSTICE: THE LATCRIT COMMUNITY CAMPUS AS “PERSONAL COLLECTIVE PRAXIS” .....	537
1. <i>Youth, Law, and Democracy</i> .....	542
2. <i>Access to Justice</i> .....	543
3. <i>Grassroots Organizing, Coalition-Building, and         Public Opinion</i> .....	544
4. <i>Community Education Pipelines</i> .....	545
5. <i>Comparative Law and Policy Institute</i> .....	546
III. SOCIETY AND ACADEMY: BEYOND THE BACKLASH THROUGH REBELLIOUS KNOWLEDGE-PRODUCTION AND ANTISUBORDINATION ACADEMIC ACTIVISM .....	548

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\* Professor of Law, University of Miami. I thank all the organizers and participants of the LCXVI conference and related events, as well as the editors and authors of this symposium, for an extraordinary year of knowledge-producing community-building. I thank equally the wider community of LatCrit and allied scholars for making this ongoing experiment in critical outsider jurisprudence a strong, vibrant, and forward-looking enterprise during the past sixteen years, and counting. Finally, I thank the pioneers of earlier jurisprudential eras, and the coming generations of likeminded scholars, for paving the paths and continuing the work that brings us together year after year in social justice solidarity through law, education, and reform. All errors are mine.

<i>A. The Culture Wars: Law, Academic Activism, and Social Consequence</i> .....	550
<i>B. License to Kill: Backlash Politics, Academic Culture, and Legal Criticalities</i> .....	552
CONCLUSION .....	555

## INTRODUCTION

For the sixteenth year in row, the far-flung and multiply diverse LatCrit community of academic activists convened for our flagship event—this time at the same site as our very first annual conference in 1996.<sup>1</sup> If there is any one thing we have come to know beyond doubt since then—and brought into sharp relief by this year’s conference theme—it is that “local” and “national” frames of analysis and action are but dots in larger patterns of power and its abuse, and that no single perspective or discipline provides a sufficient lens to discern, much less understand, explain, and alleviate entrenched social injustices.<sup>2</sup> Over these past sixteen years of LatCrit theory, community, and praxis the scope and depth of the challenges we confront undeniably have grown, perhaps even faster than the scholarly work and community we have been able to help grow as academic activists based chiefly in the U.S. legal academy.<sup>3</sup>

Having grown from sixty-some participants to about 300 in the intervening years, the Annual LatCrit Conference (ALC) also has evolved from a centrally planned event meeting mostly in plenary session to an assembly of concurrent events reflecting the scope and

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1. The First Annual LatCrit Conference (LCI) took place in 1996, also in the San Diego area of California. For more information on that conference and program, see *First Annual LatCrit Conference*, LATCRIT, <http://latcrit.org/latcrit/aci.php> (last visited May 1, 2012).

2. This year’s conference theme was “*Global Justice: Theories, Histories, Futures*.” For more information on the LCXVI conference, see *Sixteenth Annual LatCrit Conference*, LATCRIT, <http://www.latcrit.org/conference/xvi> (last visited Apr. 8, 2012).

3. These observations underscore the importance and urgency of longstanding LatCrit commitments to internationalist and counter-disciplinary projects, networks, and lines of inquiry through and among critical outsider scholars. See generally *infra* notes 48-60 and accompanying text.

richness of our collectivity.<sup>4</sup> Nonetheless, everyone in attendance seemed to be reveling in the “substantive and supportive” environment for critical outsider knowledge-production that these annual conferences have provided to our community for sixteen years.<sup>5</sup> The sixteenth annual conference was, in this and other special ways, “a sweet sixteen” indeed.

This year’s ALC again displayed the gains of our individual and collective labors, both substantively and methodologically, as we gradually—even fitfully—have matured organizationally and institutionally. Over these past sixteen years, we have become, bit by bit, a fluid yet loosely organized community of individual scholar-activists, both with common ethical commitments and with different subjectivities, limitations, talents, opportunities, and priorities. Over this time, our individual research and service agendas have added up to a principled array of social justice insurrections held together by a common critical, antisubordination stance against the established infrastructure of mutually-reinforcing caste systems based on neocolonial identitarian ideologies: white supremacy, patriarchy, xenophobia and nativism, heterosexism, transphobia, enforced poverty, and others too numerous to itemize in full. Perhaps more importantly, these years also have nurtured a coalitional normativity across outsider legal studies, more broadly, in and through this steady re/articulation of LatCrit theory, praxis, and community.

The centrality of coalitional knowledge production and praxis in LatCrit theory is both an original and continuing hallmark of our collective record. Our adoption of various programmatic practices<sup>6</sup> continually rearticulate and refine our understandings, insights, and future practices, as we learn from the endless zigs and zaps of

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4. To review the LCXVI program schedule, see *Sixteenth Annual LatCrit Conference*, *supra* note 2.

5. UCLA Law Dean Rachel Moran used this phrasing in her comments during the Latina Dean’s panel, which centered and celebrated the appointment of four Latinas as law school deans in the U.S. and beyond, most in just the past year or so. These women are: Dean Leticia Diaz, (Barry University Dwayne O. Andreas School of Law), Dean Maria Pabón López, (Loyola University New Orleans College of Law), Dean Rachel F. Moran (UCLA School of Law), Dean Jennifer L. Rosato (Northern Illinois University College of Law); for details on the panel, see *id.*

6. See *infra* notes 36-47 and accompanying text.

accumulating experience. Over time, we have come to appreciate increasingly that democracy—including our own academic version—necessarily entails coalitional thinking and doing to engineer collective consciousness and action with social relevance and integrity.<sup>7</sup>

The practical connection of coalitional method to outsider democracy in the form of programmatic knowledge-production has, also over time, become a distinctive feature of LatCrit projects and publications. Over time, we have seen—lived—how the continuing process of democratic deliberation and exchange among many “different” actors in the specific design and ongoing operation of a substantive, long-term common undertaking is, in itself, a knowledge-producing exercise. As we could see and feel at LCXVI, the constant development of this organized academic community and its sub-networks based on the shared experiences of the past sixteen years—and those that came before—can itself be understood as a key contribution of LatCrit scholars to the advancement of critical outsider jurisprudence more generally.

But even as we solidified ourselves institutionally, we also evolved individually. Projects that had once been operational priorities became less so as circumstances changed, as new and similar projects became operational in recent years, or as project coordinators and teams rose to meet new or additional challenges and opportunities. Similarly, projects that once had required high maintenance had found a successful groove and required less of our resources to operate. In the same way that external circumstances had changed the knowledge-production landscape around us for the better in recent years, internal circumstances based on our own growth and evolution also had changed during this time—and also for the better.<sup>8</sup> As we concluded the first third of our second decade, the moment seemed ripe for another of our periodic self-reassessments to examine our work and its role in the larger development of critical outsider jurisprudence.<sup>9</sup> As we discovered at the end of that process, we were prepared, as an

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7. See *infra* Part I.

8. See *infra* note 12 and accompanying text (on the internal/external phraseology).

9. See *infra* Part I.B.

organized community, to take creative new steps toward a future based both on “change *and* continuity”<sup>10</sup>—based both on original *and* on new foundations.

One major outcome of the process is that this year will occasion the last of these “annual” conferences. After a 1,000-day long self-study and strategic planning process, the LatCrit Board of Directors voted during this conference to take momentous steps toward a substantive and enduring future for LatCrit theory specifically, and for critical outsider jurisprudence more generally.<sup>11</sup> To accommodate new initiatives, we revisited our existing Portfolio of Projects in light of current circumstances, both internal and external,<sup>12</sup> to tweak our menu of programs for maximum effect. Not surprisingly, these tweaks involved changes to our earliest and flagship undertaking—the ALC itself—and related projects. Our aim, as explained below, is to sustain our collective capacity to provide maximum programmatic support not only for LatCrit scholars and projects, but also for all strands of critical outsider jurisprudence, or “OutCrit” legal studies.<sup>13</sup> Thus, while the rest of the LatCrit Portfolio of Projects will remain substantially the same, the ALC most likely will evolve into a biennial event coordinated with the teaching conferences of the Society of American Law Teachers (SALT). This still-developing transition not only builds on the sisterly relationship already existing between

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10. See sources cited *infra* note 68.

11. See *infra* Part I.B.

12. Throughout this Afterword, “internal” refers to circumstances or developments within the loose community of LatCrit-identified projects and persons while “external” refers to situations percolating more broadly through academia and/or society. See *supra* note 8 and *infra* notes 86-89, 114, 131 & 133.

13. The OutCrit denomination is an effort to conceptualize and operationalize the social justice analyses and struggles of varied and overlapping yet “different” subordinated groups in an interconnective way. OutCrit thus refers (at least initially) to those scholars who identify and align themselves with class-and/or-identity outgroups in the U.S., as well as globally. Therefore, among them are the legal scholars who in recent times have formed the experiments that this Afterword considers—CRT and LatCrit legal discourses—as well as scholars who have launched other contemporary lines of critical inquiry within legal culture, including critical race feminism and feminist legal theorists. See *infra* notes 23-35 and accompanying text.

LatCrit and SALT, but also helps to nurture critical outsider synergies more broadly.

Additionally, this re-calibration of our flagship project is only the beginning of the story as LatCrit turns sixteen. Our just-concluded three-year self-study and strategic planning process also has helped to forge other collective decisions leading to new programmatic, coalitional initiatives in the production and sustenance of critical outsider jurisprudence.<sup>14</sup> These new initiatives, as outlined below, take us in multiple directions at once, but they all share a common bedrock: each and every is designed to “perform the theory” in light of the guideposts, functions, and postulates of the past sixteen years and before.<sup>15</sup> These new initiatives all aim to help “reflect and . . . usher in the world we hope to create.”<sup>16</sup> Together, these new initiatives effectively establish new foundations for the next level of LatCrit theory, community, and praxis.

This self-reflection and re-organization is of course only the latest example of the LatCrit commitment to self-critical, long-term planning.<sup>17</sup> Yet, this exercise also has been our most formal and sustained self-review. This Afterword therefore recounts some key highlights to help close the first sixteen years of this ongoing experiment with a forward-looking perspective that connects the present to our origins, aspirations, and efforts. Building on last year’s Quinceañera,<sup>18</sup> this year’s Sweet Sixteen<sup>19</sup> suggests that this

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14. *See infra* Part II.

15. For more information on these guideposts, functions and postulates, see *infra* notes 70-72.

16. GERALD P. LOPEZ, REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE 382 (1992).

17. *See generally* Elizabeth M. Iglesias & Francisco Valdes, *Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 UCLA CHICANO-LATINO L. REV. 503 (1998); Francisco Valdes, *Theorizing ‘OutCrit’ Theories: Coalitional Method and Comparative Jurisprudential Experience – RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999) [hereinafter Valdes, *Theorizing ‘OutCrit’ Theories*].

18. *See generally* Steven W. Bender & Francisco Valdes, *At and Beyond Fifteen: Mapping LatCrit Theory, Community, and Praxis*, 14 HARV. LATINO L. REV. 397 (2011).

19. Like the Quinceañera in Latina/o cultures and communities generally, the Sweet Sixteen in Anglo cultures and communities within the U.S. signifies a

community of scholars remains prepared to take outsider democracy to the next level of collective sustainability and social integrity.

Part I, below, briefly recounts the key highlights of the early foundations and directions of our work, followed by a summary of our self-study and strategic planning process, to help contextualize the following discussion of the LatCrit community campus. Part II next focuses directly on the Living Justice Center at the new LatCrit community campus as a primary example of “personal collective praxis”<sup>20</sup> by and among LatCrit networks. Part III concludes the Afterword with discussion of law, society, and academia to further contextualize the preceding sections, and to review pressing issues and empowering opportunities on the horizon as the LatCrit community prepares to implement in full the results of the self-study and strategic planning process during the coming years of our continuing collective, coalitional work. As a whole, this Afterword aims both to celebrate the accomplishments of the past sixteen years as well as to help renew the critical energies necessary to operationalize our new foundations, and to carry on with the work always ahead of us.

#### I. SELF-CRITICALITY AT WORK: BEGINNINGS, CONCLUSIONS, ACTIONS, AND CHALLENGES

To understand this moment in the ongoing evolution of the LatCrit experiment in critical outsider jurisprudence, we begin with a short recounting of its origins and foundations. Broadly speaking, and as previously noted, our work is a continuation of the Realist intervention against “mechanical” jurisprudence in the early decades of the past century.<sup>21</sup> Like the original Realists, we aim to emphasize the connection between the legal and social in order to promote socially responsible, even transformative, legal reforms. Like the

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moment of maturation, and we mark this year, as we did last year, in this spirit.

20. For more on this concept, and its meaning when used in this Afterword, see Berta Hernández-Truyol, Angela P. Harris & Francisco Valdes, *Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis*, 26 CHICANO-LATINO L. REV. 237, 275 (2006).

21. See Margaret Montoya & Francisco Valdes, “Latinas/os” and Latina/o Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Models of Knowledge Production, 4 FLA. INT’L U. L. REV. 187 (2008).



Realists—and building on the more recent work of Critical Legal Studies (CLS)—we have rejected the “imperial” academic norms and imperatives entrenched during the early years of legal education under the influence of Langdellian formalism, which reward chiefly the atomized pursuit of academic stardom through texts that manipulate doctrinal puzzles with little cognizance of, or relevance to, social realities and actual consequences.<sup>22</sup>

More specifically, as we have acknowledged since the inception of a LatCrit subject position, this particular enterprise began most proximately from the work and networks established during the later 1980s and early 1990s by critical race and feminist scholars based principally in the legal academy of the United States; as we noted in particular, our work springs most directly from our jurisprudential “cousin”—critical race insights and methods.<sup>23</sup> Substantively, LatCrit scholars thus began our work from the theoretical insights and points of departure established by CRT, legal feminisms, and similar lines of outsider legal knowledge production. Methodologically, LatCrit theorists similarly took up many of the techniques and practices established by critical, feminist, and other outsider scholars during the 1980s and earlier, embracing the pursuit of social relevance through interdisciplinarity, empiricism, and internationalism, among other means. However, LatCrit programs opted for a “democratic” approach to legal knowledge production that centered the internal dimension of the social more so than had been the case in earlier critical and outsider experiments.<sup>24</sup> Reflecting their commonalities and affinities, since then these efforts increasingly have tended to merge, both substantively and methodologically, especially during the past decade.

Thus, our aim since 1995 has been twofold: both to deepen and expand the substance of this work as well as to sharpen and refine the methods through which we collectively and individually produce it. In

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22. *Id.* at 201-07.

23. Francisco Valdes, *Latina/o Ethnicities, Critical Race Theory and Post-Identity Politics in Postmodern Legal Discourses: From Practices to Possibilities*, 9 BERKELEY LA RAZA L.J. 1 (1996).

24. At that time, the relatively mainstream venues of the Law & Society Association and the Society of American Law Teachers provided the most “democratic” programmatic opportunities for outsider and/or critical legal scholars. See Montoya & Valdes, *supra* note 21, at 219-22.

prioritizing community-building and institution-building as knowledge-producing methodologies, we have aimed to join individual ideas to collaborative action. As we look and prepare to go forward, we continue to view this work as an ongoing contribution to the substantive *and* operational development of critical outsider jurisprudence as a whole.

*A. Roots, Origins, and Foundations: From Realism to Critical Race Theory, LatCrit Theory, and Critical Outsider Jurisprudence*

Generally, the discourse we now refer to as “critical race theory” (CRT) originated in the late 1980s, emerging from the legal academy of the United States in response to the continuing legacy of racial stratification and subordination even decades after the civil rights movement and the anti-discrimination laws of the 1960s. Accounts of CRT’s origins oftentimes locate the emergence of this scholarship in law student disaffection and activism regarding race, law, and legal education. One account locates CRT’s roots in west coast student activism focused on racial justice since the 1960s and through the 1990s.<sup>25</sup> Another account locates CRT’s root on the east coast, particularly in the 1980s activism of Harvard law students demanding substantive inclusion of race in the formal curriculum.<sup>26</sup> Still another account locates CRT’s origins and precursors in these and other events taking place around the country generally during that time.<sup>27</sup> At bottom, origin accounts agree that CRT was a response to the liberal status quo of enduring white supremacy and privilege in law and society despite civil rights commitments, devoting itself to effecting the legacy of “equal opportunity” and ensuring fulfillment of the promise of “equal justice under law.”

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25. Sumi Cho & Robert Westley, *Historicizing Critical Race Theory’s Cutting Edge: Key Movements that Performed the Theory*, in CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY 32 (Francisco Valdes et al. eds., 2002).

26. Kimberlé Crenshaw, *The First Decade: Critical Reflections, or “A Foot in the Closing Door,”* in CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY, *supra* note 25, at 9.

27. Richard Delgado, *Liberal McCarthyism and the Origins of Critical Race Theory*, 94 IOWA L. REV. 1505 (2009).

In the early years, critical race theorists therefore devoted scholarly attention to examining the gains, limits, and contradictions of U.S. anti-discrimination law.<sup>28</sup> This effort focused on race relations within the United States, both historically and currently. Beginning with a critique of liberalism, critical race theorists quickly moved to structural analysis and historical context to chart a path from the status quo of formal equality toward the ultimate goal of substantive equality. These early investigations traversed both doctrinal issues of law and policy as well as broader issues of culture, identity, and politics. This early work produced early insights, like interest-convergence,<sup>29</sup> intersectionality,<sup>30</sup> anti-essentialism,<sup>31</sup> and multidimensionality,<sup>32</sup> helping incrementally to establish a solid intellectual baseline from which much of the continuing work is still developed.

At the same time, younger generations of critical race scholars expanded the original parameters of this scholarship, including new areas of doctrine and of social or political life, and, as a result, related fields, like critical race feminism, also emerged.<sup>33</sup> Similarly, newer generations of scholars began to expand the parameters of critical race theory into international domains, and to investigate the relationship

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28. See Symposium, *Minority Critique of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987); Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987).

29. Derrick A. Bell, Jr., Comment, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

30. Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (1989); Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1990).

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

32. Berta Esperanza Hernández-Truyol, *Building Bridges—Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1991); Darren Hutchinson, *Identity Crisis: "Intersectionality," "Multidimensionality," and the Development of an Adequate Theory of Subordination*, 6 MICH. J. RACE & L. 285 (2001).

33. ADRIEN K. WING, *CRITICAL RACE FEMINISM* (2003); ADRIEN K. WING, *GLOBAL CRITICAL RACE FEMINISM* (2000).

of “other” identity categories to race, such as sexual orientation, religion, and dis/ability.<sup>34</sup> The tenth anniversary of critical race theory occasioned an international conference, attended in 1997 by hundreds of participants and devoted to counter-disciplinary critical interrogations of identity, law, and power, both within and beyond the United States.<sup>35</sup>

By 1995, this critical ferment had prompted a number of CRT-identified scholars to meet in Puerto Rico for a colloquium on Latina/o communities and critical race theory.<sup>36</sup> This colloquium focused on nation, culture, language, and similar categories of socio-legal action as they related specifically to race, ethnicity, gender, poverty, and Latina/o communities in the United States.<sup>37</sup> As a result, a smaller group of relatively junior scholars decided to organize a conference focused on Latinas/os and the law, from which the “LatCrit” subject position developed in the mid-1990s.<sup>38</sup> This new effort, allied closely with yet distinctive in some respects from CRT, both in substance and in method, expanded even further the scope of critical outsider studies on race, ethnicity, and related categories of identity in law and society.

Notably, at that time, no national, annual, accessible programmatic venue existed for the articulation of critical outsider

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34. Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997); Kendall Thomas, *Rouge et Noir Reread: A Popular Constitutional History of the Angelo-Herndon Case*, 65 S. CAL. L. REV. 2599 (1992); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law and Society*, 83 CAL. L. REV. 1 (1995).

35. Selected papers from that groundbreaking conference were published as CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY, *supra* note 25.

36. The program schedule for that colloquium is available at *Colloquium on International & Comparative Law (ICC)*, LATCRIT, [www.latcrit.org/latcrit/icc.php#](http://www.latcrit.org/latcrit/icc.php#) (last visited May 1, 2012).

37. The papers of some presenters were published by the *Berkeley La Raza Law Journal*. See *Colloquia, Representing Latina/o Communities: Critical Race Theory and Practice*, 9 BERKELEY LA RAZA L.J. 1 (1996).

38. See Francisco Valdes, *Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 HARV. LATINO L. REV. 1 (1997); Francisco Valdes, *Under Construction: LatCrit Consciousness, Community, and Theory*, 85 CAL. L. REV. 1089 (1997).

jurisprudence in the U.S. more generally: while various individuals and institutions conducted periodic, smaller-scale gatherings locally or regionally around the country focused on one or another genre of outsider scholarship, we had no “big tent” under which critical outsider legal scholars could reliably convene on a regular basis to support and sustain each other—and our collective work on the advancement of antisubordination theory and praxis.<sup>39</sup> We specifically had no such venue that was explicitly and actually devoted both to “outsider” and to “critical” legal studies in its normative premises, principles, and practices.<sup>40</sup> Equally significant, we had no such venue for the proactive and ongoing cultivation of coalitional theory and praxis. While the pioneering work of our predecessors had blazed many substantive and methodological trails, these and other gaps remained as part of the jurisprudential landscape we inherited in the early-to-mid 1990s.

In 1996, the ALCs set out to change this landscape by addressing these specific gaps, and related challenges and conditions.<sup>41</sup> Having benefitted tremendously from the lessons of our predecessors and allies, we understood that our actions had to be programmatic rather

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39. At that time, scholars of color tended to gather around other, more mainstream, national venues created by groups like the Society of American Law Teachers, the Minority Section of the American Association of Law Schools, the Law & Society Association, and various gatherings of the Critical Legal Studies Network. Venues of color had begun to spring up alongside these, eventually leading to the ALCs. *See generally supra* note 24 and accompanying text.

40. At that time, the regional people of color conferences provided the main infrastructure for outsider legal scholarship focused on race, but without any particular critical commitments, priorities, or themes. Nationally, the Critical Race Theory provided a venue for both outsider and critical legal scholarship on race, but was accessible by invitation-only. Because these Workshops tended to be small (twenty-some participants annually), relatively few participants could be invited each year. For more details, see Athena D. Mutua, *The Rise, Development and Future Directions of Critical Race Theory and Related Scholarship*, 84 DENV. U. L. REV. 329 (2006); Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247 (1999). As a result, a great need existed for a national, annual, accessible venue devoted both to critical and outsider legal scholarship, upon which scholars could rely from year to year to disseminate their ideas and build their skills, networks and careers.

41. *See generally* Valdes, *Theorizing ‘OutCrit’ Theories*, *supra* note 17.

than individuated.<sup>42</sup> We also knew that we had to prepare for the long haul—hence, the original commitment to ten years of ALCs.<sup>43</sup>

Accordingly, organizers followed this first LatCrit conference with a series of annual conferences, now in their sixteenth year, to innovate critical methods of legal scholarship. For example, LatCrit/CRT scholars have established practices like “rotating centers” and “streams of programming” to cultivate a steady progression of collective knowledge production.<sup>44</sup> Similarly, LatCrit/CRT scholars have emphasized long-term planning and collective action in the development of antistatutory scholarship and projects.<sup>45</sup> Perhaps most importantly, during the past sixteen years LatCrit/CRT scholars have expanded this work from an annual conference to a “Portfolio of Projects” operated by small project teams with coordinators and designed to ensure programmatic attention to the various aspects of this expanding work from year-to-year.<sup>46</sup> Thus, LatCrit/OutCrit scholars have focused both on knowledge-production and on “institution building” as key practices of outsider jurisprudence. These characteristics, although not unique to LatCrit and allied scholars, have produced a sense of “outsider democracy” that stands in contrast specifically to the “imperial tradition” of legal scholarship in the United States.<sup>47</sup>

Notably, the slow, steady construction of a “zone” for the year-round, inter-generational, collaborative incubation, and dissemination of critical outsider jurisprudence has been a key feature of “democratic” approaches to legal knowledge production in the U.S. that stand in contrast to imperial traditions, as well as a specific objective of our collective work as a community of academic activists seeking not only the production of socially transformative knowledge but also the transformation of the normative conditions for this

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42. See generally Elizabeth M. Iglesias & Francisco Valdes, *LatCrit at Five: Institutionalizing a Postsubordination Future*, 78 DENV. U. L. REV. 1249 (2001).

43. See Hernández-Truyol et al., *supra* note 20, at 184.

44. *Id.* at 194-95.

45. *Id.* at 196-99.

46. For more on these LatCrit projects, see *LatCrit Portfolio of Projects*, LATCRIT, <http://www.latcrit.org/latcrit/portfolioofprojects.php> (last visited Mar. 26, 2012).

47. See Montoya & Valdes, *supra* note 21, at 231-47.

work.<sup>48</sup> As our collective record of work accordingly demonstrates, we have aimed to create opportunities, vehicles, and conditions for diversely situated scholars to better pursue individuated projects or agendas in collaborative, synergistic, principled terms. Over the last sixteen years, these exertions have accomplished the following wide range of activities and publications focused on education, law, and justice in the U.S and internationally:

1. Sixteen convenings of the **Annual LatCrit Conferences**, now attended each year by 250-300 scholars, teachers, lawyers, students, and community activists.<sup>49</sup>
2. Nine convenings of the **Junior Faculty Development Workshops**, attended each year by 75-100 junior and/or aspiring law faculty members.<sup>50</sup>
3. Nine convenings of the **Annual Student Scholar Program**. Seven students from diverse backgrounds who excelled in this unique program have gone on to become tenure-track law professors—an extraordinary record.<sup>51</sup>
4. Thirty-some publications of special **Symposium Issues** in American and foreign law reviews, dedicated consistently to diverse issues of exclusion, injustice, diversity, bias, poverty, law, and education.<sup>52</sup>
5. Creation of an innovative on-line **Research Tool-Kit** to help educators, students, researchers, and lawyers in their work on issues of poverty and marginalization both locally and globally.<sup>53</sup>

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48. *Id.* at 232-44.

49. To review the themes, programs, and participants, see *Annual LatCrit Conference*, LATCRIT, <http://www.latcrit.org/latcrit/acindex.php> (last visited Apr. 7, 2012).

50. To review the programs and participants, see *LatCrit/SALT Junior Faculty Development Workshop*, LATCRIT, [www.latcrit.org/latcrit/juniorfacultydevwork.php](http://www.latcrit.org/latcrit/juniorfacultydevwork.php) (last visited Apr. 7, 2012).

51. See Bender & Valdes, *supra* note 18, at 433-35.

52. For more on these LatCrit publications, see *Annual LatCrit Symposia*, LATCRIT, <http://www.latcrit.org/latcrit/publishedsymposium.php> (last visited Mar. 26, 2012).

53. See *LatCrit Scholarship Research Toolkit*, LATCRIT, <http://www.latcrit.org/latcrit/researchtoolkit.php> (last visited Apr. 7, 2012).

6. Nine convenings of the **South/North Exchange on Theory, Culture and Law** in different sites throughout Latin America and the Caribbean, which bring together critical theorists and students from various disciplines and regions of the hemisphere (and beyond) with lawyers, judges, and community activists to discuss problems in the application of theory to current social/economic problems and policy issues.<sup>54</sup>
7. Secured formal U.N. non-governmental organization (NGO) accreditation for **consultative status with the United Nations Economic & Social Council (ECOSOC)**, and submitted reports for the Council on critical global issues of health, gender, and racism.<sup>55</sup>
8. Five convenings of the **Study Space Workshops**, a series of intensive small-scale workshops held at diverse locations around the world, to acquire a deeper understanding of the legal, policy, and human challenges posed by the global growth of megacities, especially focusing on communities “at the bottom” of these habitats.<sup>56</sup>
9. Eight convenings of the **LatCrit Colloquium on International and Comparative Law** in locations across the world, including Miami, Malaga, Buenos Aires, Rio de Janeiro, Johannesburg, and Paris. This periodic, rotating Colloquium aims to foster transnational and interdisciplinary interaction among LatCrit theorists in the United States and elsewhere with scholars, lawyers, activists, and policymakers at the sites where the Colloquium meets.<sup>57</sup>

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54. To review the themes, programs, and participants, see *Annual South-North Exchange on Theory, Culture & Law*, LATCRIT, <http://www.latcrit.org/latcrit/southnorthexchange.php> (last visited Apr. 7, 2012).

55. See *LatCrit NGO*, LATCRIT, <http://www.latcrit.org/latcrit/ngo.php> (last visited Apr. 7, 2012).

56. To review the themes, programs, and participants, see *Study Space Project*, LATCRIT, [http://www.latcrit.org/latcrit/study\\_space\\_project.php](http://www.latcrit.org/latcrit/study_space_project.php) (last visited Apr. 7, 2012).

57. To review the themes, programs, and participants, see *Colloquium on*



10. Established the **Electronic Syllabi Bank**, another on-line resource focused on courses related to critical outsider jurisprudence, such as courses on law and race, ethnicity, gender, sexuality, disability, and the like.<sup>58</sup>
11. Supported the **International Research Collaborative (IRC)** approved by the Law & Society Association to establish and pursue an international and interdisciplinary dialogue about urgent socio-economic questions raised by poverty, racism, sexism, and other discriminations.<sup>59</sup>
12. Collaborated with the Society of American Law Teachers (SALT) to draft and submit anti-bias **Amicus Briefs** in cutting-edge controversies and performed other pro bono legal/scholarly work on behalf of poor and marginalized communities.<sup>60</sup>

Though never perfect, this LatCrit focus on interactive knowledge-production, community building, and institution-building not only has enabled LatCrit scholars to mount and sustain the dozens of projects, programs, and publications of the past sixteen years, but, as discussed below, it also has helped to set the stage for new foundations and expanding directions in this never-ending work.

Moreover, during this time, and through the course of this collective long-term work, CRT, LatCrit, and other OutCrit efforts and

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*International & Comparative Law (ICC)*, *supra* note 36.

58. See *Electronic Syllabi Bank*, LATCRIT, [www.latcrit.org/latcrit/esb.php](http://www.latcrit.org/latcrit/esb.php) (last visited Apr. 7, 2012).

59. The first meeting of the IRC took place last year at Seattle University School of Law while an upcoming meeting is being planned for Campo Sano, helping to illustrate in current and concrete terms the kinds of decentralized, smaller-scale, and focused events that this new facility now helps to enable. See *infra* notes 95-114 and accompanying text.

60. This collaboration, together with the Faculty Development Workshop, illustrates the kind of coalitional, collaborative work that outsider democracy facilitates, and has helped to nurture the kind of sisterly organizational relationship that allows for the deep levels of cooperation that our alternating conferences will entail starting next year; without this background, experience, and solidarity, the agreement between LatCrit and SALT to alternate our conferences would be dubious in light of imperial academic culture. In turn, this arrangement is key to the conclusions of the LatCrit strategic planning process. See *supra* notes 6-15 and accompanying text.

discourses have increasingly blended, both in substance and method. Projects and programs like those listed above have created a never-richer mix of substantive, accessible, supportive venues and platforms for various generations of scholars of color to present and exchange ideas, meet the likeminded and cultivate new networks, publish their scholarship, and develop themselves professionally in general. Over time, scholars associated with CRT, LatCrit, and allied OutCrit projects thus have come to hold several basic convictions in common.

For instance, we hold in common the conviction that white privilege is alive and well, both socially and legally, and that racial domination is maintained in significant part through selective applications of law and policy, whether “liberal” or “conservative.” As a result, CRT/LatCrit/OutCrit scholars also believe that law and policy are central to the advancement *or* inhibition of equality based on race, ethnicity, or other social identities, and that the laws of every nation-state provide both opportunities for opposition to oppression as well as for oppression itself. Finally, critical outsider scholars hold the conviction that race, ethnicity, and other social identity markers are neither real nor illusory; both are social constructions that require social recognition to operate, and none stand alone to operate separately. Instead, OutCrit scholars believe that social realities and legal systems based on identity politics operate in mutually reinforcing ways that stratify society based on power, privilege, and their legalized distribution. Therefore, CRT/LatCrit/OutCrit scholarship encourages critical interrogation of law and society in structural, systemic, historical, and multidimensional frames of analysis.

Perhaps the single most significant contribution of LatCrit scholarship specifically since the mid-1990s has been the centering and elaboration of “Latina/o” identity in U.S. law and society in explicitly non-or de-essentialized terms.<sup>61</sup> Importantly, these analyses and projects encompass both intra-group and inter-group issues, cultivating cross-group frameworks of analysis designed not only to produce knowledge but also coalitional methods and theories. These approaches in turn have led to counter-disciplinary and internationalist emphases in LatCrit projects and discourses to transcend “domestic”

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61. See generally Montoya & Valdes, *supra* note 21, at 194-98.

constructions of race, ethnicity, and other categories of identity relevant to law and policy. Finally, LatCrit theorists have insisted that “class” and other categories of identity must be understood as interrelated and interlocking rather than as different or disconnected elements of socio-legal regulation. These collective investigations demonstrated the rich diversity of Latina/o communities in the United States, showcasing complexities not only in terms of race and ethnicity but also in terms of religion, culture, language, sexuality, imperialism, and colonialism.<sup>62</sup>

Today, CRT/LatCrit/OutCrit scholars continue this work with a focus on current or emerging issues. In recent years, for example, outsider scholars have examined the interplay of poverty and globalization, and how these phenomena correlate to race, ethnicity, gender, and other socio-legal identity categories transnationally.<sup>63</sup> Similarly, these scholars have engaged arguments about “color blindness”<sup>64</sup> and “post-racialism,”<sup>65</sup> or similar racial justice issues that emerged in the 1990s and 2000s. The exploration of these frontiers, in tandem with the ongoing work of the past several decades, constitutes a key part of the critical outsider research agenda today.

At the same time, our ongoing work continues also to focus on the ways and means—the methods and techniques—through which we pursue substantive knowledge-producing agendas. Having understood that mainstream institutions of legal culture are mostly indifferent—if not outright hostile—to critical outsider knowledge and action, we have never been content simply to struggle as atomized individuals against the prevailing conditions of our “home” institutions.<sup>66</sup> We have sought instead affirmatively to alter the conditions for the

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62. See Hernández-Truyol et al., *supra* note 20, at 188-93.

63. E.g., Carmen G. Gonzalez, *Deconstructing the Mythology of Free Trade: Critical Reflections on Comparative Advantage*, 17 BERKELEY LA RAZA L.J. 65 (2006); Tayyab Mahmud, *Colonialism and Modern Constructions of Race: A Preliminary Inquiry*, 53 U. MIAMI L. REV. 1219 (1999).

64. Neil Gotanda, *A Critique of “Our Constitution is Color-Blind,”* 44 STAN. L. REV. 1 (1991); Charles R. Lawrence, *Two Views of the River: A Critique of the Liberal Defense of Affirmative Action*, 101 COLUM. L. REV. 928 (2001).

65. Derrick Bell, *After We’re Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393 (1990); Sumi Cho, *Post-Racialism*, 94 IOWA L. REV. 1589 (2009).

66. For more on this point, see Montoya & Valdes, *supra* note 21, at 209-13.

production of critical outsider knowledge collaboratively as well as to ensure that our knowledge is disseminated effectively to potential agents of social change. We have concerned ourselves with the construction of the social both within our ranks as well as across society.

Since 1995 and 1996, as summarized above, these method-focused efforts have generated a series of innovations to ensure that programmatic initiatives reflect the substantive principles and values we collectively profess. These efforts also have prompted us to embrace self-criticality to help ground our efforts and ensure the intellectual and social integrity of our work over time—to ensure as best we can that our scholarship and praxis reflect the society we hope to help usher into reality. We have not always succeeded, but, as a community, we have stayed the course, leading most recently to an extensive and intensive three-year process of community reflection and planning.

### *B. Self-Study and Strategic Planning: 2008-2011*

This three-year process leading to this juncture unfolded in two major parts. The first was a self-study process during 2008-2009 spearheaded by a task force of four “junior” members of the LatCrit Board.<sup>67</sup> During this self-study, the Task Force sent written questionnaires to all Board members and personally interviewed most of them.<sup>68</sup> The self-study process set the stage for the next part of the past three years: strategic planning, conducted by the entire Board during 2009-2011, and just concluded during the Annual Board

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67. They were: Marc-Tizoc Gonzalez, Yanira Reyes-Gil, Belkys Torres, and Charles R. Venator-Santiago. At that time, none were based as tenured faculty at a U.S. law school, and thus, in terms of professional status within academia, each represented the more “junior” (even marginal) members of the LatCrit Board.

68. See Marc-Tizoc Gonzalez, Yanira Reyes-Gil, Belkys Torres & Charles R. Venator-Santiago, *Change and Continuity: An Introduction to LatCrit Taskforce Recommendations*, 8 SEATTLE J. FOR SOC. JUST. 303 (2009) [hereinafter Gonzalez et al., *Change and Continuity*]; Marc-Tizoc Gonzalez, Yanira Reyes-Gil, Belkys Torres & Charles R. Venator-Santiago, *The LatCrit Task Force Recommendations: Findings and Recommendations of a Self-Study of the LatCrit Board*, 2009, 18 AM. U. J. GENDER SOC. POL’Y & L. 853 (2009) [hereinafter Gonzalez et al., *Findings and Recommendations*].

Meeting in San Diego at LatCrit XVI itself. Together, these two parts entailed eleven separate convenings of the Task Force and/or entire LatCrit Board, as reflected in Table 1.

TABLE 1

*I. Self-Study Process: LC13 ('08)—LC14 ('09)*

- **Fall 2008:** The Annual Board Meeting (ABM) at LC13 in Seattle during October 2008 focuses on internal self-governance structures and inter-generational transitions, including issues related to strategic planning; to follow up, the Steering Committee organizes a special Board meeting in Denver, CO, during December 2008, which results in creation of the LatCrit Self-Study Task Force to conduct a substantive review of our internal status quo and produce recommendations.
- **Spring 2009:** Board meets at AALS in San Diego during January 2009 and ratifies creation and funding of the Self Study Task Force, which develops and administers a Board-wide survey and interview process, including in-person interviews during March 2009 at the CRT20 Conference in Iowa City, IA, and at the South-North-Exchange (SNX) in Santiago de Chile during May.
- **Summer 2009:** Task Force meets in Miami, FL, during July 2009 to compile its findings into the LatCrit Evolution Task Force Report and Recommendations, and presents it to the Board, first by email, and later at a special Board meeting at Seattle, WA, during August 2009, for preliminary review, feedback, and discussion.
- **Fall 2009:** Board approves for implementation many of the Task Force recommendations at the ABM at LC14 in Washington, D.C., during October 2009; Board appoints a Transition Team to revise the By-Laws accordingly and identify other necessary follow-up steps. To conclude and memorialize the Self-Study process, the Task Force

Report and Recommendations are featured and discussed in both the LC13 and LC14 symposia Afterwords.<sup>69</sup>

## ***II. Strategic Planning Process: LC14 ('09)—LC16 ('11)***

- **Fall 2009**: Transition Team revises the LatCrit By-Laws to reflect Board adoption of Self-Study recommendations at LC14 ABM in Washington, D.C., during October 2009.
- **Spring 2010**: Board meets at AALS in New Orleans, LA, during January 2010 to consider and approve By-Law revisions; Steering Committee meets in Los Angeles, CA, after the UCLA Critical Race Studies Conference during March 2010 to outline remaining programmatic and institutional issues for substantive discussions and Board decisions in strategic planning process.
- **Summer 2010**: Board Retreat convenes in Mexico City, Mexico, after SNX during May 2010 to consider and develop the Steering Committee's outline of issues.
- **Fall 2010**: Steering Committee develops Report and Recommendations based on Board Retreat for presentation to Board at LC15 ABM in Denver, CO, during October 2010; Board partially adopts them while deferring action on the remainder until the Board meeting at AALS in San Francisco, CA, during January 2011.
- **Spring 2011**: Board declines to act on remaining parts of Steering Committee Report and Recommendations during its meeting at the AALS in San Francisco, CA, during January 2011, calling instead for further study, reflection, and discussion.
- **Summer 2011**: Steering Committee Retreat convenes in Miami, FL, during July 2011 to develop further recommendations for presentation to Board at LC16 ABM in San Diego, CA.
- **Fall 2011**: Board meets in San Diego, CA, at LC16 ABM during October 2011 to consider and act upon Steering

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69. See sources cited *supra* note 68.

Committee's follow-up work and conclude the Strategic Planning process.

Throughout both parts of this effort, as the preceding Table indicates, we have viewed this process as an exercise in "personal collective praxis"—a self-critical application of the LatCrit functions,<sup>70</sup> guideposts,<sup>71</sup> and postulates<sup>72</sup> to our ongoing work as we coalesce a collective strategic vision and plan for the next generation(s) of outsider democracy.

Moreover, as reflected in the records of our meetings, this exercise was guided by a careful review both of "external" circumstances, like the proliferation of outsider conferences in recent years, as well as "internal" circumstances, like the evolution of Board members' professional or programmatic priorities.<sup>73</sup> This review was anchored substantively and self-critically by the principles and practices that have become associated with LatCrit projects since

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70. The four "functions" of our work include: (1) production of knowledge; (2) commitment not only to social relevance but also to antisubordination punch; (3) expansion and connection of antisubordination struggles; (4) the cultivation of community and coalition. *See Bender & Valdes, supra* note 18, at 402.

71. The seven "guideposts" to help ensure that our work fulfills these functions include: (1) recognize and accept the inevitable political nature specifically of *legal* scholarship in this country; (2) recognize that critical outsider scholars must become academic activists both within and beyond our institutions, professions, or local situations; (3) proactive commitment to building intra-Latina/o communities and inter-group coalitions; (4) proactive commitment to finding commonalities while respecting differences; (5) appreciating, incorporating, and applying the jurisprudential past to everything we undertake; (6) continual engagement in self-critique, both individually and collectively, in programmatic terms and otherwise; (7) recognize both commonality and diversity. *See id.* at 403-05.

72. The four "postulates" gathered from our work during the preceding sixteen years include: (1) our shared goal is a postsubordination society; (2) requiring transformative change at both micro and macro levels; (3) produced by critical antisubordination coalitions; (4) through shared principles and principled practices. *See id.* at 408-09.

73. *See infra* notes 86-89 and accompanying text. Of course, in the future, as the Board periodically re-assesses prevailing circumstances, both kinds (and perhaps others) will continue to matter, as always in the past, and, consequently, forthcoming changes to our programmatic priorities may again invite new or different directions in our ongoing work. *See infra* notes 114, 131 & 133.

1995.<sup>74</sup> Our focus was—is—on contributing most effectively to an ever-sharper edge for critical outsider jurisprudence and its development, over the long-term, as a self-sustaining field of inquiry and action.

The Task Force was created initially to address concerns “regarding the organizational allocation of tasks and resources, board member accountability, coordination and communication within the organization, and the general institutional framework of the organization.”<sup>75</sup> Through its questionnaire-and-interview process, the Task Force found that, “[o]verall, board members generally identified the relationship between the growth of the organization and its amorphous—or decentered—institutional framework as key emerging challenges. There was a general and consistent concern with the ability of the current organizational division of labor to manage the increasing number of projects.”<sup>76</sup> Therefore, “[b]oard members also identified various needs for increased and improved transparency and communication.”<sup>77</sup> These internal circumstances had allowed institutional “gaps” between various projects, project teams, and within the Board generally<sup>78</sup>—which, during this time, also had itself grown substantially in size.<sup>79</sup>

Of course, these three sets of concerns and findings are inter-related. All three flow from a conscious and salutary awareness of the

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74. See *supra* notes 36-62 and accompanying text (on LatCrit basics); see also Francisco Valdes, *Rebellious Knowledge-Production, Academic Activism, & Outsider Democracy: From Principles to Practices in LatCrit Theory, 1995 to 2008*, 8 SEATTLE J. FOR SOC. JUST. 131 (2010).

75. Gonzalez et al., *Change and Continuity*, *supra* note 68, at 316.

76. *Id.* at 317.

77. *Id.* at 318.

78. *Id.* at 319.

79. As noted earlier, this self-study and strategic planning process is only the latest example of LatCrit attention to self-critical evaluation periodically. See *supra* notes 9-19 and accompanying text. In the previous such effort, about five years earlier, the Board had voted to increase the size of the Board, almost doubling it, in order to accommodate the growth in the Portfolio of Projects and ensure that all projects were represented substantively on the Board, and that the Board itself also represented the larger community of diverse LatCrit/OutCrit scholars that had coalesced during our first decade. See generally Hernández-Truyol et al., *supra* note 20.



internal challenges posed by “success”—the growth and development not only of the ALCs, but of the projects and teams more generally, and the gaps in capacity, communication, and coordination resulting from increasingly stretched resources: as the number, scale, and complexity of our activities grew organically to create a zone of safety for critical outsider work, this evolution had put a growing premium on organizational capacity. And these operational challenges were magnified, as we also had come to know experientially in recent years, by our geographic diffusion and linguistic/academic differences; both of these structural circumstances require tremendous resources to transcend.<sup>80</sup> In effect, the Task Force reported an internal concern with the ability of the project teams and Board to manage over the long run the logistics (and expenses) of the expanded portfolio across the combined difficulties of time, space, budget, and difference.

These findings underscored the very challenges that we have consciously sought to bridge as best we can, from day to day and project to project during the past sixteen years, given our always-limited resources and the climate of intensifying backlash that has prevailed since before the inception of our efforts.<sup>81</sup> More specifically, these findings crystallize the daily structural challenges inherent in the practice of democracy as a legal knowledge-production model in this historical moment.<sup>82</sup> These findings therefore beckoned us to revisit and reform our own mechanisms of internal self-governance once again.

To guide the process forward, the Task Force called for a series of specific remedial measures.<sup>83</sup> In general, these measures covered three inter-related areas of action:

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80. *See id.* at 201-04 (on these and similar shortcomings and restraints).

81. *See infra* Part III.

82. These are the challenges in maintaining a year-round “zone” of programmatic activities, requiring participation of many individuals from varied locations. *See generally* Montoya & Valdes, *supra* note 21. These structural challenges are exacerbated by the lack of a physical space readily available for academic uses without exorbitant cost. *See infra* notes 125-33 and accompanying text.

83. To review the Task Force report, see Gonzalez et al., *Findings and Recommendations*, *supra* note 68.

1. Changes to our organizational structure, moving from two-three Co-Chairs to a Steering Committee (or “*Consejo*”) model that distributed administrative and programming work more widely but also created a more cohesive small-group mechanism to ensure better communication.
2. Greater and better uses of new technologies to improve ongoing communication among projects and project teams from our diffused physical locations.
3. “Concerted efforts” to create a more cohesive institutional culture based on our common antisubordination commitments despite our geographic diffusion.<sup>84</sup>

The Board approved these recommendations unanimously at the Annual Board Meeting during the LCXIV in Washington D.C. Moreover, based on these concluding findings and recommendations of the Task Force, the full Board prepared to embark on the strategic planning process.

To conduct this second part of the process, the new Steering Committee organized a series of Board meetings starting during the fall of 2009, usually tacked onto a conference that most Board members would be attending anyway.<sup>85</sup> Based on these meetings, the Steering Committee in 2010 submitted a *Final Report on the Self-Study and Strategic Planning Process* that summarized the discussions as follows:<sup>86</sup>

Our review of Board discussions during the past two years indicates that we effectively have been engaged in a process of organically restructuring our efforts both substantively and structurally regarding both the Portfolio of Projects and internal self-governance more generally. . . . The key drivers of this organic restructuring have been *sustainability* and *innovation*. Although both of these concepts have shaped our activities and priorities historically, the continuing challenge is to apply and re-apply them periodically and self-critically to ever-fluid circumstances to ensure

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84. See Gonzalez et al., *Change and Continuity*, *supra* note 68, at 318-19.

85. See *supra* pp. 524-25 tbl.1.

86. LATCRIT STEERING COMM., FINAL REPORT ON THE SELF-STUDY AND STRATEGIC PLANNING PROCESS (2010) (on file with author).

the efficacy of our collective praxis or academic activism at all times.

Today, we think the most salient change in external circumstances is the (happy) recent proliferation of projects akin to those we pioneered specifically within critical outsider jurisprudence in the U.S. during the past 15 years of collective, programmatic praxis. This recent proliferation, taking place during the past two years simultaneously with our self-study and strategic planning process, we think should prompt the Board to rethink in creative and critical ways whether we should continue to allocate significant resources to these particular projects or instead to shift our priorities toward new programmatic innovations designed to push the cutting edge of critical outsider jurisprudence and praxis beyond this new status quo in unique ways. In other words, it is time once again to critically and self-critically review the Portfolio of Projects in formal and collective terms, as we have done every 3-5 years since 1995.

In this context, the broad query before the Board is: what should we do next, over the next 3-5 years, regarding in particular the Portfolio of Projects, given these recent and happy developments and these significantly-changed internal/external circumstances?<sup>87</sup>

These discussions thus framed and centered issues or circumstances both specifically internal to us as an organized community of

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87. *Id.* at 3-4. In addition, the report continued:

[O]ur review of Board discussions during the past two years indicates a continuing attention to internal self-governance, both in terms of structure and of process. Specifically, Board discussions continue to show concern for the internal workings of the new Steering Committee ('consejo') model adopted as a result of the self-study process. While no specific concern or need for action has crystallized yet, we note this basic point regarding internal self-governance as a highlight of the self-study and strategic planning process because it serves as a continuing backdrop to all of our other discussions or decisions regarding the Portfolio of Projects and related questions. Over the coming year or so, we should be alert to the need for organizational tweaking and anticipate some need for further action during this time, including specifically how we should formalize the role of the "informal second chairs" who currently assist Steering Committee members in getting the work done but are not mentioned in our By-Laws or related documents.

*Id.* at 4.

antisubordination academic activists as well as external to us,<sup>88</sup> and relating more broadly to the academy and society at large.<sup>89</sup> To act on these issues and circumstances, and begin bringing the strategic planning process to a forward-looking close, the Steering Committee also pinpointed “three main consistent concerns” articulated both during the self-study and these initial strategic planning discussions.<sup>90</sup>

The first was “streamlining projects and project teams organizationally in order to generate a leaner and more focused institution.”<sup>91</sup> The second was “ensuring that our restructuring not only re-aligns our efforts internally with current resources and circumstances, but that it does so to retain the cutting-edge nature of our programmatic interventions, as reflected during the past [sixteen] years.”<sup>92</sup> The third of these focused on “the internal need for an annualized budgeting process, requiring all projects to operate on the basis of annualized budgeting decisions made by the Board each year at the annual meeting and administered year-round by the project

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88. As noted at the outset, this Afterword therefore uses the same framing throughout. *See supra* notes 8 and 12; *see also infra* notes 114, 131 & 133.

89. *See also infra* Part III.

90. *See* LATCRIT STEERING COMM., *supra* note 86, at 4.

91. *Id.* “Sustainability thus demands that we re-tailor our projects and priorities internally to align them with our current human *and* fiscal resources, rather than continuing with decisions made previously under different circumstances. This acknowledgment means that *all* our current projects are on the table for review.” *Id.*

92. *Id.*

Though related to the first ‘streamlining’ concern, this second concern goes further, calling us to think strategically about innovating our programming and projects in light of our evolving mission and methodology to ensure that our interventions are unique, filling existing gaps in programs, to always push forward the edges of critical outsider jurisprudence. Given the external proliferation of similar programs at regional and national levels, especially during the past two years, that LatCrit has pioneered during the past [sixteen] years, we now must ask strategic intervention-and-allocation questions, like: how can we get the most ‘bang for our buck’ and time, and best further our evolving sense of mission? What value can *and* should *we*, as LatCrit, add to this current status quo? This focus on maximum relevance and cutting-edge effectiveness to help us re-prioritize programmatic efforts organically requires specifically a reconsideration of the annual conference/symposium and related activities.

*Id.*

teams and Steering Committee.”<sup>93</sup> By 2011, this framework and follow-up process generated the bottom-line conclusions and actions that just concluded our strategic planning at LCXVI, and that we hope and trust will carry forward this still-evolving experiment with as much vitality and integrity as ever—if not more.<sup>94</sup>

In addition to confirming our core principles and practices, several key points emerged or resulted from the self-study and strategic planning process. Programmatically, perhaps the most significant is the still-ongoing recalibration of the ALC discussed above,<sup>95</sup> designed to open up time and other resources for smaller-scale, relatively informal gatherings tailored to accommodate both external and internal circumstances or trajectories.<sup>96</sup> More broadly, however, we also have reconceptualized and re-ordered our Portfolio of Projects around three operational “baskets” of programs reflecting Board members’ current or growing priorities. These baskets group together Board members, projects, and initiatives focused substantively on our original base of operations (the legal academy of the United States)<sup>97</sup> as well as those that prioritize aspirations that also go back to our origins (international and coalitional knowledge production).<sup>98</sup> These

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93. *Id.* at 5. Acknowledging the organizational challenges made pressing by the growth of our activities during the previous decade, the Report concluded:

We are indebted to all the volunteer labor and improvised resourcefulness that has enabled us to finance such a far-reaching set of projects for more than a full decade. However, the increasing numbers, amounts and complexities of the resulting funding needs and requests in recent years (both internal and external) have required increasingly ad hoc or piecemeal decisions rather than planned choices or annualized priorities. Going forward, we collectively need to establish a Board culture or ‘best practice’ of annual budgeting and informed financial decision-making at Board meetings to achieve sound financial stewardship and sustainability.

*Id.*

94. *See infra* notes 134-41 and accompanying text.

95. *See supra* notes 9-15 and accompanying text.

96. *See supra* notes 8, 86-89 and *infra* notes 114, 131 & 133.

97. E.g., the Faculty Development Workshop, the Student Scholar Program, and other projects focused chiefly on law and legal culture in the U.S. *See LatCrit Portfolio of Projects, supra* note 46.

98. E.g., the International & Comparative Law Colloquium, the South-North Exchange on Law, Theory and Culture, and similar initiatives that seek to expand our work beyond the legal academy of the United States. For more on these two

changes effectively mean that LatCrit scholars will carry on with the same scope of work as we have until now, but with some significant changes that both reflect and encourage external/internal recent developments in critical outsider jurisprudence and its production.<sup>99</sup>

Additionally, this process led to a new emphasis on publications that go beyond traditional and nontraditional law reviews. This new emphasis, though not part of the original self-study process, illustrates how the follow-up strategic planning process delved into questions related to the concerns documented by the Task Force: the concerns over our growth and geographic diffusion, with their increasingly complex logistics, that had been made manifest in the Task Force findings and recommendations,<sup>100</sup> led proximately to further internal discussions about the utility of smaller-scale, irregular, relatively informal gatherings or venues for projects focused on specific publications or other shorter-term objectives.<sup>101</sup> These kinds of initiatives facilitate a de-centralized expansion of our efforts to articulate coalitional and critical antistatist theory and praxis in principled, democratic, multidimensional, and self-sustaining terms.<sup>102</sup> They also encourage and support the production of collective projects—like books focused on particular topics—among small groups of likeminded scholars interested in charting new frontiers in outsider legal studies and related fields.

While LatCrit scholars and projects have yielded thirty-some symposia in law reviews during the past sixteen years,<sup>103</sup> the new priority now is on two general efforts. The first is to support sub-groups of scholars interested in collaborative projects—like books addressing specific issues or topics—through smaller-scale programs and projects.<sup>104</sup> The second is to build on this robust record of

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points, see Hernández-Truyol et al., *supra* note 20, at 204-08.

99. See *supra* notes 86-89 and accompanying text.

100. See *supra* notes 79-86 and accompanying text.

101. See generally Bender & Valdes, *supra* note 18, at 441-42.

102. They also put a premium on a physical home base to keep costs and logistic in check. See *infra* notes 129-33 and accompanying text.

103. And we oftentimes have chosen to do so with outsider-identified journals as part of our collective work. See Montoya & Valdes, *supra* note 21, at 238-43. For a complete listing of these symposia, see *Annual LatCrit Symposia*, *supra* note 52.

104. And the establishment of a community campus is a key element of this

symposia through other kinds of information technologies or publications geared to teachers, students, researchers, and community organizers. This second new priority recognizes that the thirty-some law review symposia of the past sixteen years have created a solid corpus of ideas and texts within legal academia from which to build new projects that are, at once, both more general in their audience and more tailored in their contents than the law review format typically permits. This second move is unfolding in the form of four projects along two simultaneous tracks, which combine traditional publications like books with online innovations based on our well-established website.<sup>105</sup>

The first of these projects—the Research Toolkit—is completed and already available for worldwide use on-line by students, faculty, researchers, and other interested readers of LatCrit and OutCrit works.<sup>106</sup> This resource organizes all the texts of the existing symposia in the form of two indices—one thematic and one based on keywords—so that our collective body of work since the mid-1990s can be easily accessed, searched, and used.<sup>107</sup> The remaining three projects are already also underway.

Of the remaining three, the Social Justice Reader project is next in the pipeline. This project, tailored mainly for classroom uses in law and other disciplines, takes selected works from the law review symposia and combines them with new texts to produce a comprehensive Reader in traditional book form accompanied by interactive supplements available on-line.<sup>108</sup> The remaining two projects aim to translate significant portions of the LatCrit symposia and website into Spanish (and, later Portuguese), and to publish a LatCrit Primer updating and enhancing the current on-line version.<sup>109</sup> All of these projects should be completed within the next two-to-three

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effort. *See infra* Part II.

105. LATCRIT, [www.laterit.org](http://www.laterit.org) (last visited Apr. 7, 2012). For a more in-depth discussion of these moves, see Bender & Valdes, *supra* note 18, at 430-38.

106. *LatCrit Scholarship Research Toolkit*, *supra* note 53.

107. *See* Bender & Valdes, *supra* note 18, at 431.

108. *Id.* at 436-38.

109. *LatCrit Primer*, LATCRIT, <http://www.laterit.org/latcrit/primers.php> (last visited Apr. 7, 2012).

years, thus setting the stage for the next round of LatCrit/OutCrit publications during our second decade of this work.<sup>110</sup>

Most importantly, perhaps, has been the LatCrit Board's crucial decision to establish a bricks-and-mortar base of community events and activities. This move, leading to the purchase of a ten-acre site for a community campus in Central Florida,<sup>111</sup> has been a topic of Board and community discussion for many years,<sup>112</sup> but much has transpired in the 365 days since we last met at LatCrit XV in Denver. Having since then personally donated or raised the necessary funding for the initial purchase, the LatCrit Board and other active members of our community already have begun the work necessary both to improve the property for our collective, programmatic purposes as well as to launch new initiatives only made possible by our possession and control of such a facility.<sup>113</sup>

Each and all of these efforts continue the long-standing LatCrit practice of long-term collective planning in democratic, deliberative ways. But these efforts also establish new foundations for moving this work forward—and taking our efforts to the next level of self-sustainability. These efforts thus set the stage for the next four years—and beyond, in some respects.<sup>114</sup> They bring together our past and our future as we celebrate our sixteenth year together.

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110. Another significant result of our self-study and strategic planning process is that, during our second decade, we contemplate focusing on law review projects, books, and online resources based chiefly on the variety of workshops, retreats, seminars, institutes, and similar events we anticipate conducting or hosting at the new LatCrit community campus. *See infra* notes 118-65 and accompanying text.

111. The campus street address is 2575 Place Pond Road, DeLeon Springs, Florida, (one hour north of Orlando) and can be viewed via Google Maps using this address.

112. *See Bender & Valdes supra* note at 18.

113. The fee simple absolute to the campus is held in the name of LatCrit, Inc (a Florida non-profit), and the LatCrit Board holds ultimate authority for its administration. To view the LatCrit By-Laws, see *By-Laws of Latina & Latino Critical Legal Theory, Inc.*, LATCRIT, <http://www.latcrit.org/latcrit/welcome/governance/newbylaws.pdf> (last visited Apr. 7, 2012).

114. The conclusions of the strategic planning process expressly contemplate a four-year plan of action, at which time another overall re-assessment is expected to take place. At that time, and depending again on then-prevailing circumstances, the Board may decide to concentrate our programmatic resources, time, and energies principally on on-campus events or projects. This emphasis not only will enrich the



In sum, the LatCrit self-study and strategic planning process of the past three years may be seen to have produced three basic bottom lines. The first is a reconceptualization and reorganization of our Portfolio of Projects in response both to “external” and “internal” changes during the past several years, as discussed above, to allow a greater emphasis on smaller-scale, relatively informal gatherings or projects, especially based at the new LatCrit campus.<sup>115</sup> The second is the decision to move beyond the law review, while emphasizing both traditional publications like books as well as our existing website and its upgrading, including the development of the Research Toolkit and the Social Justice Reader project mentioned earlier,<sup>116</sup> as well as the Primer on LatCrit theory and the translation project designed to make key texts available in Spanish (and, eventually, Portuguese). The third, and perhaps most consequential, is the move to bricks-and-mortar exemplified by the purchase of a campus and establishment of a community center for our collective uses in the ongoing evolution of this work, both substantively and methodologically.<sup>117</sup> This last move not only provides a base of operations for the smaller-scale events and expanded types of publications we prioritized in the first two of these bottom lines, but it also opens up possibilities beyond our current capacities inter-generationally.<sup>118</sup> All three of these bottom lines manifestly exemplify and continue basic LatCrit commitments, both theoretically and operationally, but the community campus project presents both the most possibilities and challenges.

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community campus as a center of substantive activities, but also can take advantage of economic and operational efficiencies that, in turn, will allow us to stretch always-scarce resources further than possible in the past. In addition, on-campus priorities and experience can help facilitate our forthcoming efforts to develop the facility itself. Significantly, the campus is held in the name of LatCrit, Inc. in part to help envision, and to encourage, the inter-generational operation of the facility, ideally in perpetuity. *See infra* notes 123-28 and accompanying text.

115. *See supra* notes 90-102 and accompanying text.

116. *See supra* notes 103-10 and accompanying text.

117. *See supra* notes 111-13 and accompanying text.

118. This acquisition also coincides with recent panels, roundtables, and workshops on “becoming senior” as a critical outsider scholar in the profession, which reflect the fact that a critical mass of such folks exists for the first time in history and questions how we might manage this demographic fact.

## II. LIVING JUSTICE: THE LATCRIT COMMUNITY CAMPUS AS “PERSONAL COLLECTIVE PRAXIS”

As mentioned above, the decision to purchase a community campus to establish a physical center for our diverse activities was no sudden epiphany. This impulse stretches back nearly a decade, even before the self-study and strategic planning process had been conceived. In fact, this move has been discussed at many prior meetings and retreats of the LatCrit Board and community.<sup>119</sup> During this time, we have contemplated and examined various models for the establishment of a physical base in light of the many aspirations and limitations that combine to channel our professional priorities.<sup>120</sup> It was this long-term, ongoing self-reflection that enabled our community to move nimbly and effectively when the conditions and opportunities finally ripened.

Nonetheless, the self-study and strategic planning process created the occasions for renewed collective conversations in light of the findings and recommendations produced by those efforts. It was the self-study and strategic planning process that enabled us to step back, pause, and reflect on the changes in circumstances that had transpired both within and around us during the past several years.<sup>121</sup> This process of self-critical reassessment enabled conversations allowing us to hone in on our collective need for a home base to help incubate critical outsider jurisprudence in democratic terms year-round. And these conversations beckoned us to look at the horizons before us in inter-generational terms even more so than we had before.<sup>122</sup> In short, this 1000-day journey has provided the framework for this “old” idea to be renewed and refashioned in concrete terms.

As a result, during a LatCrit Steering Committee-and-Board Retreat in Miami during July 2011, the participants headed out to review a short list of potential campus sites identified by the Steering Committee during the previous several months. As this band of

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119. See *supra* note 112 and accompanying text.

120. Various members of the LatCrit Board or Steering Committee have scouted out diverse locations across the U.S., Caribbean, and South America.

121. See *supra* notes 85-94 and accompanying text.

122. See Montoya & Valdes, *supra* note 21 at 141-46 (discussing LatCrit theory and our commitment to inter-generational transitions).

academic activists traveled from site to site, our hopes bobbed up and down as we went from anticipation to disappointment. Then, at the end of the day, we drove up to an enchanted forest of majestic oaks turned into artist retreat by an elderly couple—he a painter, she a potter. All of a sudden, the energy was electric. Within a few minutes, hearts had been won over. Within a few days, the numbers had been made to work. Within a week, our best offer was out.<sup>123</sup> Within a month, the enchanted forest was ours. Soon, we were calling the tract as a whole “Campo Sano”—Camp Wellness.<sup>124</sup>

Now, of course, begins the next round of hard work.<sup>125</sup> However, before recounting some highlights, it is important to underscore how the LatCrit decision to establish a community campus and center is a continuation—as well as a qualitative expansion—of our commitment to praxis at both personal and collective levels of action. The campus/center project allows us both to institutionalize ourselves as a community of far-flung scholar activists as well as to launch and sustain new programmatic initiatives made possible only by the existence of our own bricks-and-mortar.<sup>126</sup> Both in theory and practice, this new initiative creates an autonomous hub for, and opens new pathways toward, coalitional partnerships in outsider democracy and rebellious knowledge production.<sup>127</sup> Bricks-and-mortar provide a unique platform from which to take our ideas to action in indefinite,

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123. The LatCrit Board unanimously approved the purchase and provided the necessary funding to close the transaction. In addition, the seller—Marjory Kline—agreed to make a substantial charitable contribution to LatCrit in exchange for naming the existing structure “Kline House” (or Casa Kline). *See infra* note 124.

124. Although we have named the existing structure Kline House in appreciation of the substantial gift to LatCrit made by the seller at the time of the transaction, *see supra* note 123, this name for the property as whole reflects the kind of multidimensionally activist academic community that we hope will flourish at this site over the coming years and generations.

125. Including new types and levels of fundraising: the Steering Committee and Board launched a special fundraising campaign during LCXVI in San Diego and will be continuing to develop this part of the campus project to ensure the fiscal security, physical maintenance, and operational expansion of the facility itself, as well as the development of a robust annual roster of diverse on-campus activities over the next several years and beyond. *See supra* note 114.

126. *See infra* notes 135-40 (listing some examples).

127. *See Valdes supra* note 74.

inter-generational terms.<sup>128</sup> Even as it catalyzes or enables new initiatives, the LatCrit campus project thus exemplifies long-standing LatCrit values, principles, commitments, and aspirations.

In particular, this acquisition acts decisively on the call from last year for the establishment of a physical location from which to conduct de-centralized series of smaller-scale, periodic workshops, retreats, seminars, and similar programs focused on relatively specific topics, publications, or projects<sup>129</sup>—which also had emerged as an integral part of the contemplated move from the traditional ALCs toward the new biennial conferences discussed above.<sup>130</sup> This focus on smaller-scale and irregular events, coupled now with a facility under our collective administration, allows us not only to further de-centralize and democratize the production of knowledge among LatCrit and allied OutCrit scholars generally, but also to conduct events helping to produce the kinds of books and publications we contemplate for the second decade of this experiment specifically; the community campus can become a bustling home space to multiple rotating mini-centers of diverse knowledge-producing initiatives.<sup>131</sup>

The campus project thus responds both to the Task Force self-study findings as well as the recommendations of the strategic planning process we have just concluded.<sup>132</sup> Having a facility to house events and participants on a daily year-round basis with minimal economic overhead allows rebellious individuals from all over the world more easily to schedule, organize, and conduct programmatic events in concurrent, and hopefully synergistic, terms. In fact, and

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128. This long-term, inter-generational perspective informs our decision to place title to the campus in the name of our non-profit, Florida-based corporation, “Latina-Latino Legal Theory, Inc.,” or “LatCrit” in short form.

129. See Bender & Valdes, *supra* note 18, at 441-44.

130. See *supra* notes 9-15 and accompanying text.

131. The move to bricks-and-mortar allows us to innovate new projects with different combinations of the democratic and vanguard knowledge-production models for maximum effect. See *supra* note 100-05 and accompanying text. As noted earlier, part of this ongoing effort may call for periods of prioritizing on-campus events over the kinds of rotating events around the country, hemisphere, and globe that have characterized our projects to this point, which also could help inform and facilitate our development of the facility itself over the coming years. See *supra* note 114.

132. See *supra* notes 67-118 and accompanying text.

ideally, Campo Sano in time will grow into more than a jurisprudential hub; ideally, this community center affirmatively will become a “living justice” magnet for an ever-richer roster of regular and/or periodic activities conducted in principled antisubordination solidarity by diverse networks or coalitions of individuals and groups.

As time passes and circumstances inevitably continue to change both within and around us, the LatCrit community may come to focus our programmatic priorities—perhaps only for a limited time or perhaps for the longer term—more and more directly on campus-related projects and initiatives, and maybe, correspondingly, less so on the world-wide span of activities reflected in our record and portfolio since 1995. Without doubt, on-campus projects and events do give us greater control over scheduling and expenses than is usually the case with programs based at rented or loaned facilities, thereby accruing logistical, economic, and other practical efficiencies that position us to do more of this programmatic work—and aim for a bigger social justice bang—with proportionately less resources.<sup>133</sup> This cost benefit is no small matter in an era of increasingly inaccessible resources, especially to outsider academic groups like LatCrit and allied networks. Moreover—and importantly—campus development is itself a major, long-term project that requires our sustained attention and commitment as well as varied skill sets; using the place more, and becoming more familiar with it as a group, is likely to facilitate these necessary efforts. As we continue to monitor circumstances and plan ahead, the LatCrit Board and community no doubt will aim for a fluid yet coherent balance between campus-centric and far-flung efforts based, as always, on critical antisubordination values, careful collaborative planning, comparative costs and benefits, and principled relations of democratic solidarity.

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133. *See supra* note 91. While the future remains decidedly open, we can envision periods of time wherein OutCrit scholars might best emphasize on-campus projects or vice-versa, striking always a flexible balance of programmatic priorities depending on ever-changing circumstances in academia, across society, or among our own ranks. *See supra* notes 8, 86-89, 114 & 131. In any event, the LatCrit Steering Committee and Board will establish and maintain a framework for communal, democratic uses of the facility as a key and continuing part of this community campus project. As with all projects in the LatCrit Portfolio, a Project Team of interested Board Members has formed to develop particular proposals for these and related follow-up actions.

To launch this new round of expanded hard work, the LatCrit Board and community already have been developing both general ideas and specific proposals for events or programs related to, or based on, the establishment and ongoing development of Campo Sano. As might be expected of this community, the contemplated activities center around the delivery of social justice to outsider communities, both within academia and across society at large, in material and structural terms. As has been the case for the past sixteen years of LatCrit theory, these new activities cut across single-axis identity categories and instead aim to address issues of material and structural subordination multidimensionally—that is, in coalitional ways that recognize the interplay of multiple identity categories at once, ranging from race and gender to class, sexuality, disability, and more. Likewise continuing LatCrit principles, these projects aim to bridge the national and international, as well as to connect the local and global. Like the decision to establish a community campus itself, these decisions aim to perform the theory in principled, self-critical terms both in substance and in practice.

Having taken possession of Campo Sano a mere six months ago, the LatCrit Board and Steering Committee are developing still-tentative programmatic projects along nine lines of substantive follow-up action<sup>134</sup>:

1. Conceptualization, establishment, and sustenance of collaborative, coalitional joint initiatives focused on access to justice and anti-bias legal reforms jointly with other centers, institutes, universities, or organizations.
2. Recruitment and education of law students from poor and outsider communities.
3. Workshops for junior, mid-career, and senior law faculty jointly with SALT to support students and promote anti-bias teaching, learning, and writing programs.
4. Workshops and seminars jointly with professional associations for lawyers to network with students,

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134. These nine tentative lines of follow-up action are taken from the January 2012 Proposal of the Steering Committee for the development of Campo Sano with Board approval pending. LATCRIT BD. & STEERING COMM., CAMPO SANO DEVELOPMENT PROPOSAL (2012) (on file with author).

- academics, and community organizers through anti-bias projects.
5. Writing retreats for scholars, policy-makers, and opinion-makers focused on education, justice, and society.
  6. Research and publication of books and scholarly articles about legal issues faced by the poor, subordinated, and excluded.
  7. Drafting policy position-papers on justice questions before state and federal legislatures.
  8. Drafting policy position-papers for the United Nations Economic & Social Council (ECOSOC) on international anti-bias issues, where LatCrit is accredited with official consultative status.
  9. Coalitional studies by the International Research Collaborative (IRC) jointly with the Law & Society Association and affiliated scholars, students, and activists from other states and countries.

While still tentative, these nine lines of follow-up action already have yielded the following five concrete proposals for programmatic projects to begin in the near future at Campo Sano.<sup>135</sup>

### *1. Youth, Law, and Democracy*

As the largest ethnic minority in the U.S., and relatively young demographically, Latina/o youth, in particular, represent an important part of the nation's future. Should substantial numbers of them be left behind in poverty (with its relatively low levels of education and relatively high social marginalization), they will fail to realize the potential of all children to refresh and restore their country's democratic and just rule of law, succumbing instead to disenfranchisement, criminalization, contingent employment (or chronic unemployment), and an overall inability to contest and

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135. These five tentative proposals also are part of the January 2012 Steering Committee Campo Sano Proposal. *See id.* The Board will decide during the coming year on project approvals, but these proposals indicate the creativity and energy already at work.

meaningfully shape the laws and other public policies that helped create their poverty in the first place.

Focusing on the critical mass of law professors affiliated with LatCrit in Florida and across the country, the Youth, Law & Democracy (YLD) project will bring both local and national law professors interested in intervening against the impoverishment of youth together with other educators and attorneys in order to catalyze and buttress existing outreach efforts to universities, colleges, and high schools. By strategically building a critical network of school-based Pre-Law Societies and Youth Law Academies, the YLD will do more than expose students to the law as a profession. This project also will develop and promulgate “know your rights” workshops on law and democracy, providing local youths with the legal knowledge to navigate adolescent life by avoiding or reducing the negative impingements of law enforcement, and opportunities to exercise their rights collectively against the sociolegal conditions that structure their impoverished lives. As a whole, these workshops will help guide participants to ask the critical questions that give rise to learning about democracy through self-directed social action.<sup>136</sup>

## 2. *Access to Justice*

A lack of meaningful access to the justice system is both a cause and consequence of no or inadequate education, poverty, and discrimination. Because of our expertise and experience in education, law, policy, and justice, the LatCrit community is solidly positioned to tackle these types of issues. And because of their anti-poverty, anti-subordination academic agendas, LatCrits and their partners are committed to doing so, as our record of programmatic events and publications during the past sixteen years illustrates.

To take this work to the next level, this project will bring together students from local and national law schools together with community organizers and LatCrit-affiliated faculty to work on civil rights and human rights issues focused on race, gender, class, and sexuality. The project will be organized in the form of public interest action groups: each academic year the project faculty will identify specific programs,

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136. This project proposal originally was submitted by Marc-Tizoc Gonzalez.



events, work-products, or other interventions, and will organize Action Groups of students, community organizers, and lawyers to focus on the specified issue or problem. This project will include periodic community “how-to” and similar workshops on the legal system geared toward poor and minority communities. In addition, this project will include periodic educational workshops at Campo Sano to organize coalitional partnerships with groups or persons working on the same or similar issues.

Through this project, local communities suffering from inadequate education, poverty, and discrimination will receive greater access to the justice system through the services provided by the project. Additionally, students will receive training and hands-on experience in “rebellious lawyering” to help them better provide legal services to poor and marginal communities as practicing attorneys. Finally, community organizers will gain a new, synergistic platform from which to form networks and coalitions for greater impact across a broad range of justice access issues.<sup>137</sup>

### *3. Grassroots Organizing, Coalition-Building, and Public Opinion*

People from communities of color, the poor, the working class, and sexual minorities frequently experience law and the legal system in much the same ways. Law and the legal system are experienced as a set of institutions that is not sensitive to their needs and experiences, and that creates and maintains barriers to their inclusion and participation in society in ways comparable to the ways that people who are not members of these groups function. The project on coalition theory, methodology, and praxis has two components. First, the project will host a working group at Campo Sano for the purpose of developing a curriculum on forging successful coalitions across ethnic, racial, and social barriers. Cutting-edge scholars, community organizers, and others will be invited to participate in the development of a curriculum for training sessions for lawyers, students, community activists, and others on successful methodologies to develop and sustain multilateral coalitions to address the problems encountered by subordinated communities both as individual and collective

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137. This project proposal originally was submitted collectively by the LatCrit Steering Committee.

communities. Second, LatCrit scholars and activists will then use this curriculum to conduct both short-term (a weekend) and longer-term (a year and, if necessary and possible, longer) interventions in communities around the country whose ability to mobilize effectively against legal barriers is limited by historical and contemporary conflicts between different ethnic, racial, and social groups. These activities are designed to weave together public education, social action, and legal reform with academic knowledge production as tightly as possible.<sup>138</sup>

#### *4. Community Education Pipelines*

Traditionally, racial and ethnic minorities, and economically disadvantaged persons are specifically and especially challenged in gaining access to the legal profession. In recent years, even as the number of applicants from these populations has increased, the number admitted to law school has declined. Even upon admission, law students from traditionally underrepresented groups may be without resources to support successful matriculation, graduation, and licensure. Finally, as they approach practice, these diverse attorneys are typically not encouraged towards professions in service to the public interest. This project aims to intervene against the structural and individual consequences of these interactive conditions one student at a time.

The “Each One, Reach One” approach will offer programs in three separate phases: 1) pre-law school programs, 2) law school programs, and 3) professional development programs. Delivery of these programs will be facilitated through partnerships with community schools and bar associations. The pre-law school programs will extend from high school populations through college and the law school admissions process to support students considering a career within the legal profession, and to support applicants through the law school admission process, through materials, programming, and counseling. The law school programs will provide academic guidance to the ends of successful matriculation and licensure, as well as pre-professional guidance relating to the provision of legal services

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138. This project proposal originally was submitted by Charles Pouncy.

to underserved populations. The professional development programs will provide attorneys with professional guidance, mentorship, and support in areas of practice that serve the public interest. The law school and professional development programs will also contribute to networking opportunities with local professionals and bar associations. These efforts aim to ensure that the legal profession over time becomes a more diverse and progressive community in the service of equal justice under law.<sup>139</sup>

### *5. Comparative Law and Policy Institute*

During the past two decades of accelerating globalization, scholars and others have documented the replication of similar problems in “different” social and legal systems. Inadequate education, poverty, discrimination, and injustice are rampant and recurrent across local as well as global communities. Bit by bit, this work has removed all doubt that local problems are not only local, or merely idiosyncratic; instead, this work has established the systemic and structural nature of social and legal problems afflicting poor communities, social minorities, and other “outsiders” vulnerable to exploitation, dispossession, and subordination.

Therefore, LatCrit scholars long have understood that smart and systemic legal reforms are best developed by examining how specific issues or conditions manifest themselves in “different” communities, regions, countries, and continents. This comparative approach aims to identify “best” or key practices toward enduring solutions to poverty, discrimination, and injustice. This critical, comparative approach allows social justice academics, community organizers, policy makers, and public interest lawyers to gather the sharpest ideas for effective reforms from varied locations for application to local problems or circumstances.

To this end, the Comparative Law Institute will convene year-round workshops, seminars, and training sessions in the Living Justice Center at the LatCrit Community Campus near Orlando, Florida. These events will bring together scholars, analysts, and organizers to produce policy proposals and position papers relating to identity,

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139. This project proposal originally was submitted by Michele Anglade.

poverty, subordination, education, and access to justice. These activities are designed jointly to produce impactful materials *and* well-trained advocates for legal reforms over the long-term, both locally and globally.<sup>140</sup>

After sixteen years of laying the groundwork for this bricks-and-mortar move, these kinds of activities—*based at our own campus and center*—finally enables our community to take our teaching, learning, and writing projects to the next level of sustainability and efficacy: what we have done during the past year with this bricks-and-mortar project and the other, related decisions and actions described above, is to put in place new foundations for new and expanded possibilities in the continuation of our individual and shared work. What comes next is mostly up to us, individually and collectively. More to the point, what comes next ultimately will be up to those who come next.

For this moment, as these new foundations and expanding directions reaffirm, the LatCrit approach to outsider democracy continues to emphasize community-building and institution-building among diverse scholars, students, lawyers, and activists who share a common, principled commitment to basic social justice values across a broad spectrum of law and policy issues. This long-standing emphasis on coalitional method has encouraged collaborative, programmatic work based on OutCritical ideas and methods to reinforce and multiply the effects of our individual efforts. By building professional relationships of trust to foster a community based on principled, substantive solidarity, the LatCrit approach to knowledge-based advocacy continually aims both to consolidate and to expand our “zone” of safety<sup>141</sup> for the development of enduring, socially relevant work on law and justice through critical knowledge production and related legal actions.

As many will attest, this work both exhausts and exhilarates. Outsider democracy entails work that both drains and nourishes us *precisely* because it is both more complicated *and* more effective than the near-hegemonic traditions of the imperial tradition. Because “personal” *and* collective praxis requires collaborative and coalitional

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140. This project proposal originally was submitted by Francisco Valdes.

141. For more on this concept, see Montoya & Valdes, *supra* note 21, at 219-28.

work among diversely situated individuals over a long period of time, this work is both more intricate and delicate than the individuated practices of imperial traditions but, when done in earnest, this work harnesses the creativity, vision, energy, and resilience of many individuals, thereby leveraging results and their endurance.<sup>142</sup>

### III. SOCIETY AND ACADEMY: BEYOND THE BACKLASH THROUGH REBELLIOUS KNOWLEDGE-PRODUCTION AND ANTISUBORDINATION ACADEMIC ACTIVISM

The need to leverage the results and endurance of our antisubordination work has been made markedly more urgent since the last time we met just one year ago. At that time, already the furies of reactionary backlash had risen to new levels of hysteria, both socially and legally, in the wake of a Black family's move into the nation's White House.<sup>143</sup> But in the last year—since the effects of the 2010 mid-term elections have taken hold<sup>144</sup>—we have witnessed an avalanche of lawmaking directed ever-more venally and brazenly

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142. This pooling of resources to leverage individual capacity is the basic modality both of the corporate form as well as the labor union: with combined individual resources—whether economic or human—for greater reach and impact. Within academia, the imperial tradition has obscured and disincentivized this basic and central dynamic, and part of our work is changing the conditions of knowledge production based on this very point. *See supra* note 22 and accompanying text.

143. For a listing of illustrative recent racial/ethnic harassment incidents, see Sumi Cho & Francisco Valdes, *Critical Race Materialism: Theorizing Justice in the Wake of Neoliberal Globalization*, 43 *CONN. L. REV.* 1513 (2011).

144. The 2010 elections swept into power at both the federal and state levels a contingent of politicians that had coalesced after President Barack Obama's 2008 election as a "Tea" party, mostly within the existing Republican Party and over the next couple of years coming to dominate it with the kinds of identity-based ideologies and "wedge" politics that have characterized the "culture wars" in the U.S. since the late twentieth Century. *See* Peter Baker & Carl Hulse, *The Great Divide: Obama and the G.O.P.*, *N.Y. TIMES*, Nov. 4, 2010, at A1; Samuel G. Freedman, *Tea Party Rooted in Religious Fervor for Constitution*, *N.Y. TIMES*, Nov. 6, 2010, at A17; Neil King Jr., et al., *The New Political Landscape: Tea-Party Activists Prepare to Turn Aims into Policies*, *WALL ST. J.*, Nov. 4, 2010, at A8; Kate Zernike, *How Tea Party Candidates Fared*, *N.Y. TIMES*, Nov. 4, 2010, at P8; Kate Zernike, *Newcomers Ride to Power with an Unclear Mandate*, *N.Y. TIMES*, Nov. 3, 2010, at A1.

against immigrants,<sup>145</sup> workers,<sup>146</sup> women,<sup>147</sup> and elderly/minority voters,<sup>148</sup> as well as laws shamefully licensing vigilante profiling and reckless killing of non-white people,<sup>149</sup> sponsored by politicians swept

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145. Purporting to regulate immigration, states ranging from Arizona to Alabama have enacted vicious new laws that protect racial/ethnic profiling and promote a cultural climate of intimidation against non-white persons. *See, e.g.*, Lawrence Downes, *When States Put Out the Unwelcome Mat*, N.Y. TIMES, Mar. 11, 2012, at SR10.

146. Although labor unions have long been under attack, the new “Teapublican” lawmakers of 2010 have moved audaciously to abrogate legislatively fundamental, well-established rights to collective bargaining itself, taking the attack to new extremes that threaten the very existence of organized labor. *See, e.g.*, Matea Gold & Melanie Mason, *Labor Sticks with Democrats*, L.A. TIMES, Feb. 20., 2012, at 6; Matt Katz & Maya Rao, *Christie Signs Bill on Public-Worker Pension, Health Payments*, PHILA. INQUIRER, June 29, 2011, at A1; Richard Simon, *N.J. Overhauls Union Benefits*, L.A. TIMES, June 29, 2011, at 13; Jane M. Von Bergen, *Unions Besieged over Benefits, Bargaining Rights*, PHILA. INQUIRER, Sept. 4, 2011, at D1; Katharine Q. Seelye, *Voters Defeat G.O.P.-Sponsored Measures*, N.Y. TIMES (Nov. 10, 2011), <http://www.nytimes.com/2011/11/10/us/politics/voters-defeat-many-gop-sponsored-measures.html>.

147. Although women’s reproductive liberty also has long been under attack, the new “Teapublican” lawmakers of 2010 also have moved audaciously to rescind contraceptive rights, taking the assault beyond abortion and choice to a full-fledged “War on Women.” *See, e.g.*, N.C. Aizenman, *Next Fights over Birth Control May Be in Courtrooms*, WASH. POST, Mar. 8, 2012, at A3; Michael A. Memoli, *Senate Republicans Love Bid to Change Rule on Birth Control*, L.A. TIMES, Mar. 2, 2012 at 9; Lisa Wirthman, *Health vs. Faith: The Debate over Insurance for Contraceptives*, DENV. POST, Mar. 4, 2012, at 1D; Patrik Jonsson, *Abortion Wars: Virginia Retreats on Invasive Probe in Ultrasound Bill*, CHRISTIAN SCI. MONITOR (Feb. 23, 2012), <http://www.csmonitor.com/USA/2012/0223/Abortion-wars-Virginia-retreats-on-invasive-probe-in-ultrasound-bill-video>.

148. Although the suppression of votes among Democratic constituencies has been a longstanding feature of cultural warfare across the U.S., the new “Teapublican” lawmakers of 2010 have sought to disenfranchise minority-identified voters through a series of red-tape measures targeting minority communities with increasingly transparent specificity. *See, e.g.*, Editorial, *Memo to Virginia Gov. Robert F. McDonnell: You Might Be Next*, WASH. POST, Mar. 13, 2012, at A14; Editorial, *Voter ID Laws are Biased: Justice Department Is Right to Block Efforts that Would Cut Minority Turnout*, BUFF. NEWS, Mar. 18, 2012, at G4; Charlie Savage, *U.S. Cities Race in Halting Law over Voter ID*, N.Y. TIMES, Dec. 24, 2011, at A1; Fredreka Schouten, *State Voter ID Laws on the Rise, Opponents Say Turnout Will Suffer*, USA TODAY, June 20, 2011, at 1A.

149. Although the cultivation of a Gun Culture long has been a priority of backlash politics, the new “Teapublican” lawmakers of 2010 have pushed proposals

into office that year in reaction to the unprecedented—and generally unexpected—election of a Black president two years earlier. These and similar incidents, rather than commence a much-heralded “post-racial” utopia of inter-group harmony in the U.S., instead have confirmed exactly the contrary: the hyper-racialized genetics of this polarized society, and everything about it.

These events, as outlined below, continue to emphasize the use of law and lawmaking to re-impose “traditional” (and thus neo/colonial) regimes of cultural and economic inequality based on race, ethnicity, class, gender, and other categories of social and legal identity. These events underscore the salience of the social in our work—the salience of the relationship between our work as legal academics and the social realities unfolding before us. This intensification of the “culture wars” cannot help but frame and inform everything that critical scholars do, and cannot be but central to our roles and responsibilities as *legal* scholars, precisely because the chief instruments of this ongoing cultural warfare have been, and continue to be, law and policy.

#### *A. The Culture Wars: Law, Academic Activism, and Social Consequence*

Across U.S. society, this reactionary phenomenon can be seen perhaps most dramatically in the form of almost evangelical retrenchment and backlash directed at “liberal” law and policy, and especially the antidiscrimination reforms of the 1950s, 60s, and 70s.<sup>150</sup> It is no coincidence that incumbent judicial appointees such as

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to make high-impact firearms more accessible to anybody and everybody than the right to vote among minorities. *See, e.g.*, Jo Becker & Michael Luo, *Woven Though Everyday Life, a Fierce Devotion to Firearms*, N.Y. TIMES, Jan. 11, 2011, at A1; Susan Ferriss, *NRA Was Behind Spread of ‘Stand Your Ground’ Laws Across Nation*, CHARLESTON GAZETTE & DAILY MAIL, Mar. 28, 2012, at 5A; Fredrick Kunkle, *McDonnell Lifts Ban on Open-Carry in Virginia Parks*, WASH. POST, Jan. 20, 2011, at B1; Fredrick Kunkle, *Virginia Aims to Loosen Laws on Gun Control*, WASH. POST, Feb. 16, 2010, at B1; Patrik Jonsson, *Gun Nation: America’s Gun-Carry Culture*, CHRISTIAN SCI. MONITOR (Mar. 11, 2012), [www.csmonitor.com/USA/Society/2012/0311/Gun-nation-Inside-America-s-gun-carry-culture](http://www.csmonitor.com/USA/Society/2012/0311/Gun-nation-Inside-America-s-gun-carry-culture).

150. *See generally* Francisco Valdes, *Culture, “Kulturkampf” and Beyond: The Antidiscrimination Principle Under the Jurisprudence of Backlash*, in *THE BLACKWELL COMPANION TO LAW AND SOCIETY* 271 (Austin Sarat ed. 2003).

Antonin Scalia have repeatedly invoked the notion of “*kulturkampf*”—“culture war”—in their formal opinions as the basic backdrop for their exercises of power and discretion over equality law and its interpretation.<sup>151</sup> Picking up steam in the late 1980s and 1990s, the formal declaration of cultural war proclaimed in 1992 that the very “soul of America” is at issue.<sup>152</sup> This backlash, therefore, has not been waged or understood as a simple case of rough-and-tumble majoritarian politics as usual. On its very own terms, it amounts to a multi-year, multi-faceted conflict waged expressly for the (presumably white and male) “soul” of the nation in the name of traditionally dominant interests—interests defined expressly or symbolically around identitarian ideologies rooted in class, race, gender, and sexual self-determination.

Slowly but surely, over the course of a half-century of increasingly organized and financed backlash, law has been used to revivify social and economic inequality across a wide spectrum of societal settings: it is no sudden coincidence that in just the past year numerous reports have documented the exponential increase and spread of socio-economic inequality across ever-greater segments of U.S. society.<sup>153</sup> Indeed, experience indicates that the overarching pattern of backlash politics (and jurisprudence) constitutes the single-minded pursuit of a self-subscribed “anti-antidiscrimination” agenda in which judicial power and majoritarian power combine to roll back “liberal” laws of the past century that provide(d) fragile life-lines to

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151. See, e.g., *Lawrence v. Texas*, 539 U.S. 558, 586 (2003) (Scalia, J., dissenting); *Romer v. Evans*, 517 U.S. 620, 636 (1996) (Scalia, J., dissenting).

152. Chris Black, *Buchanan Beckons Conservatives to Come “Home,”* BOSTON GLOBE, Aug. 12, 1992, at 18.

153. See, e.g., Jason DeParle, *Harder for Americans to Rise from Economy’s Lower Rungs*, N.Y. TIMES, Jan. 5, 2012, at A1; Philip Meyer, *Income Inequality Matter: Extreme Gap in Wealth Makes Society Unstable*, USA TODAY, Mar. 28, 2012, at 9A; Eduardo Potter, *Inequality Undermines Democracy*, N.Y. TIMES, Mar. 21, 2012, at B1; Louise Story, *Slicing the Pie*, N.Y. TIMES, Aug. 22, 2010, at WK5; Sabrina Tavernise, *Survey Finds Rising Strain Between Rich and the Poor*, N.Y. TIMES, Jan. 12, 2012, at A15; Arloc Sherman & Chad Stone, *Income Gaps Between Very Rich and Everyone Else More than Tripled in Last Three Decades, New Data Show*, CTR. ON BUDGET & POL’Y PRIORITIES (June 25, 2010), <http://www.cbpp.org/cms/?fa=view&id=3220>.



vulnerable identity-based out-groups.<sup>154</sup> These culture wars, and their recent intensification, illustrate vividly for any alert observer how backlash politics aim specifically to “resurrect” a pre-New Deal—even a pre-Fourteenth Amendment—constitutional order,<sup>155</sup> a social and economic order organized by law effectively if not explicitly on the basis of race, gender, class, and similar axes of social and legal identity.

Therefore, mounting experience specifically teaches and confirms that law is central—integral and pervasive—in the contemporary politics of this cultural warfare.<sup>156</sup> And a key part of this effort is to control the production and dissemination specifically of legal knowledge and, thus, indirectly, of social consciousness; more particularly, backlash engineers the affirmative valorization of “traditional” verities and the systematic suppression of outsider truth-telling. For this reason, the dynamics of cultural warfare have helped to shape OutCritical jurisprudential sensibilities, as we have sought to expose the nature of these events<sup>157</sup> and engaged the oftentimes-specious arguments for unrelenting legal retrenchment.<sup>158</sup>

*B. License to Kill: Backlash Politics, Academic Culture,  
and Legal Criticalities*

Within the legal academy of the U.S., this national (and increasingly trans-national) zeitgeist has focused on the suppression of “critical” legal studies and, by extension, the ongoing marginalization of all antisubordination knowledge production. This suppression has been quite explicit and effective: it “killed” CLS as a formal academic

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154. See, e.g., Jed Rubenfeld, *The Anti-Antidiscrimination Agenda*, 111 YALE L.J. 1141 (2002).

155. These are the terms used by the proponents of these rollbacks. See, e.g., Symposium, *The Constitution in Exile*, 51 DUKE L.J. 1 (2001).

156. See Bender & Valdes, *supra* note 18, at 415-20.

157. For instance, the Ninth Annual LatCrit Conference focused on this phenomenon. See Symposium, *Countering Kulturkampf Politics Through Critique and Justice Pedagogy*, 35 SETON HALL L. REV. 1155 (2005); 50 VILL. L. REV. 749 (2005).

158. See generally Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988).

formation within the legal professorate of the U.S., and left its atomized remnants in disarray.<sup>159</sup> And because most strands of critical outsider jurisprudence have some substantive and substantial relationship to the legacies of Critical Legal Studies,<sup>160</sup> this backlash has facilitated a specific hostility to ongoing CRT/LatCrit and similar work within “our” academic institutions, as well as across the broader profession. As with other backlash campaigns across society, recent efforts to subordinate the university to corporate donors and backlash politics have licensed new pressures and threats that go beyond institutionalized hostility.<sup>161</sup>

As a result, these continuing and expanding culture wars are increasingly relevant to the work and prospects of OutCrit knowledge production and related work. While the culture wars have always been directly relevant to our work because they have been singularly focused on law and lawmaking to undo the civil and human rights gains of the past century or so, this new extension of backlash directly targets the institutions from which we do our work. The coming battles of the continuing culture wars, therefore, will combine and threaten both our work (law) and the place from which we try to do it (the university law school). Like the internal and other external circumstances noted earlier,<sup>162</sup> these also are the conditions and realities that help to inform and motivate the LatCrit move to establish a campus of our own.

In addition to housing events and participants during a year-round calendar of workshops, seminars, colloquia, and the like, the LatCrit campus project is designed to provide a safe haven—in bricks-and-mortar terms—for academic activists under backlash attack. In addition to hosting short-term events, Campo Sano is designed to evolve, over time, into a facility with scholars (and other kinds of workers) in longer-term residence. In addition to establishing an independent, safe, year-round hub for rebellious knowledge-production and outsider democracy, the Living Justice Center based at

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159. See generally Robert Michael Fischl, *The Question that Killed Critical Legal Studies*, 17 L. & SOC. INQUIRY 779 (1992). Of course, it is not the first time. See Delgado, *supra* note 27.

160. See Montoya & Valdes, *supra* note 21, at 231-47.

161. See Bender & Valdes, *supra* note 18, at 421-28.

162. See *supra* notes 8, 12 and accompanying text.

Campo Sano can and should grow organically into a small community of mutually-supportive individuals contributing different efforts, skills, talents, and perspectives on the common project of socially just living. This vision, of course, remains just that; but a solid sense of postsubordination vision can be powerful stuff as jurisprudential method.<sup>163</sup>

Eventually, these furies will abate. In due time, this massive backlash effort to yank society back toward neocolonial skews and arrangements will implode of its own exclusionary weight. Ultimately, these culture wars will generate their own pushback and the nation will resume its fitful march toward equal justice for all. But precisely because that day is nowhere yet in sight, this community has established a physical base of operations under our perpetual control, and already is busy activating this new communal resource.

This long-term perspective illustrates again how the LatCrit decision to establish a community campus aims to push the envelope of our work and its practices. In doing so, this move positions us to discover whether people of color and allied outsider scholars in the U.S. legal academy (and beyond) will be able to create, and sustain from generation to generation, a physical communal headquarters with an increasingly rich roster of overlapping programs and activities. Only the passing of time, and the accumulation of our strategic yet principled choices both individually and collectively, will tell.

In sum, the acquisition and establishment of an independent, self-sustaining, open, facility for the nourishment of social and legal criticalities is especially timely and needed during times like these, which is why we also view Campo Sano as our latest step specifically in combatting the backlash dynamics swirling all around us, both in academia and throughout society, on our terms. As the politics of neocolonial backlash seek to shut down antistubordination knowledge-production at all levels,<sup>164</sup> the LatCrit community campus will offer a

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163. See Francisco Valdes, *Outsider Scholars, Legal Theory & OutCrit Perspective: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 831 (2000).

164. See Bender & Valdes, *supra* note 18, at 415-28. This suppression is perhaps exemplified most vividly by the shut-down of the educationally successful ethnic studies program of the Tucson school district in Arizona last year. See Lupe S. Salinas, *Arizona's Desire to Eliminate Ethnic Studies Programs: A Time to Take*

physical headquarters for myriad actors and activities designed to help ensure the ongoing development and ever-wider dissemination of outsider knowledge. Ideally, it also will offer a physical setting for diverse participants to cultivate coalitional networks and communities to sustain each other and this work inter-generationally, in perpetuity. While we continue our academic activism in our institutional workplaces and local communities, we hope and trust that a campus of our own will provide both a platform and haven for our work during these and future “hard times.”<sup>165</sup>

### CONCLUSION

Since 1995, the LatCrit community of scholars has worked to serve the advancement of critical outsider jurisprudence generally, both in substance and method. Building on the breakthroughs of our predecessors, we have created a continuous, diverse, and bustling safe “zone” for individual scholars to pursue antisubordination agendas collectively. We have developed the practice of academic activism and critical outsider democracy collaboratively. The range, depth, and vigor of this record—though clearly short of perfection—hit home this year as we returned to the San Diego area, the site of the first Annual LatCrit Conference—the first-ever LatCrit event of *any* sort. It thus was a sweet sixteen, in many ways, as we convened in 2011 for LCXVI.

Nonetheless, as our work and deliberations make quite plain, these times remain extremely perilous for any person or project in U.S. legal academia identified as “critical” —much less “outsider” *and* critical. Our individual and programmatic efforts remain fragile, incomplete, vulnerable, and imperfect—and in the wake of unabated backlash both across society and within the academy, perhaps even more so now than sixteen years ago. Yet—or perhaps therefore—LatCritters remain as committed as ever to the shared principles and aspirations that have coalesced and shaped our collective labors, as

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*the “Pill” and to Engage Latino Students in Critical Education About Their History*, 14 HARV. LATINO L. REV. 301 (2011).

165. See Charles Lawrence, *Who Are We? And Why Are We Here? Doing Critical Race Theory in Hard Times*, in CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY, *supra* note 25.

our most recent self-study and strategic planning decisions demonstrate.

The successful nascent move toward the establishment of a community campus and center exemplifies both this sense of continuity *and* evolution. Not only does a physical facility allow us to efficiently and effectively conduct a wide variety of programmatic events in increasingly de-centralized ways consistent with our self-study and strategic planning process, it also creates a home base across generational lines that can and should make the ongoing development of critical outsider jurisprudence more certain than otherwise. Of course, much more work—and planning, disappointments, and shortcomings—lie ahead of us: the long-term, inter-generational development of both the campus facility and its roster of year-round activities is an unprecedented undertaking for OutCrit legal scholars. But given the LatCrit track record over the past sixteen years—and the new campus-based projects already under initial development—little doubt should exist about this community's ability and will to rise and meet the ever-morphing challenges—and opportunities—ahead of us.

From this vantage point we cannot tell how these decisions and actions ultimately will turn out. We cannot fully predict the coming zigs and zags, the ups and downs, of circumstance and exigency that will require us to adjust plans as we continue with the same basic premises and practices in furtherance of the same substantive principles that brought us together sixteen years ago. All we can know for sure at this point is that this loosely organized LatCrit/OutCrit community continues to try its level best. And, on a personal level, having been able to participate in this adventurous collective experiment for the past sixteen years has been a sweet—though challenging—experience, indeed.

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