

INTRODUCTION

Piercing Webs of Power: Identity, Resistance, and Hope in LatCrit Theory and Praxis

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The wonderful quartet of essays that follows this Introduction is emblematic of LatCrit efforts to practice some of the “guideposts” made explicit or suggested in early LatCrit works.¹ In the following essays’ critiques of religion, class, gender, and race as complex “webs”² of power that mark and oftentimes threaten Latinas/os and other people of color, we find a welcome commitment to substan-

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¹ Francisco Valdes, *Foreword — Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self Empowerment*, 2 HARV. LATINO L. REV. 1, 52-59 (1997).

² In this Introduction, I employ the term “web” as a metaphor more conducive to multidimensional analysis than is “intersection.” In the legal academy, or among those in it identified with outsider jurisprudence, including LatCrits, multidimensional analysis in recent years has begun to emerge as the standard of antistatutory theory and praxis. The move toward multidimensionality in outsider jurisprudence began with “intersectionality” and “multiplicity.” See, e.g., Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241 (1991); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN’S RTS. L. REP. 7 (1989). This work has continued with the articulation of ideas to complement and evolve these initial breakthroughs. See, e.g., e. christi cunningham, *The Rise of Identity Politics I: The Myth of the Protected Class in Title VII Disparate Treatment Cases*, 30 CONN. L. REV. 441 (1998) (on wholism); Berta Hernández-Truyol, *Building Bridges — Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369 (1991) (on multidimensionality); Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561 (1997) (on multidimensionality); Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 HASTINGS L.J. 1257 (1997) (on cosynthesis); Francisco Valdes, *Sex and Race in Queer Legal Culture: Ruminations on Identities and Inter-Connectivities*, 5 S. CAL. REV. L. & WOMEN’S STUD. 25 (1995) (on interconnectivity).

tive continuity in LatCrit discourse, to diversity of authors and approaches, to historical and contextual analysis, to interdisciplinarity. We find these authors also applying critical anti-essentialist, antisubordination perspectives, together with the guidance of experience from “the bottom,” as a basic approach to sociolegal analysis. In each of these respects, we have much to celebrate as a multiply diverse community of progressive scholars and allies, for these works demonstrate that, for the moment at least, the LatCrit experiment is alive and well on the terms many of its jurisprudential predecessors and early adherents previously projected as significant.³

As a set, the following accounts of historical and contemporary antisubordination issues amplify the growing record of outsider

³ They also serve the four basic aims or functions of critical legal theory, which, in my view, are: the production of critical and interdisciplinary knowledge; the promotion of substantive social transformation; the expansion and interconnection of antisubordination struggles; and the cultivation of community and coalition among outsider scholars. For further discussion of these four functions and their relationship to LatCrit theory, see Francisco Valdes, *Foreword — Under Construction: LatCrit Consciousness, Community, and Theory*, 85 CAL. L. REV. 1087, 1093-94 (1997), 10 LA RAZA L.J. 1, 6-7 (1998).

To date, the LatCrit gatherings in the United States include two colloquia and four conferences. The first colloquium was held in Puerto Rico in 1995 and the second in Miami in 1996. The first conference, LatCrit I, was held in San Diego in 1996, LatCrit II in San Antonio in 1997, LatCrit III in Miami in 1998, and LatCrit IV near Lake Tahoe in 1999. The next LatCrit conference, LatCrit V, is scheduled for Denver in 2000. In addition to these gatherings, an annual LatCrit-Spain symposium, held at the Universidad de Malaga Facultad de Derechos, was inaugurated in 1999 and is scheduled to be held again in the summer of 2000.

The proceedings of the LatCrit I conference appear in Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997). The colloquium previously held in Puerto Rico, in 1995, and devoted to a discussion of Latinas/os in and within critical race theory, appears in Colloquium, *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. 1 (1996). Since then, the proceedings of another colloquium, on LatCrit theory and human rights, held in Miami in 1996, and of LatCrit III, held in San Antonio in 1997, have appeared, respectively, in Colloquium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997), and in Symposium, *Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory*, 19 CHICANO-LATINO L. REV. 1 (1998). Most recently, the proceedings of LatCrit II appeared in Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999), while the proceedings of LatCrit V, slated for publication in the *Denver University Law Review*, will be out next year. In addition to these conference-based publications, one LatCrit symposium was published jointly by the *California Law Review* and *La Raza Law Journal*. See Symposium, *LatCrit Theory: Latinas/os and the Law*, 85 CAL. L. REV. 1087 (1997), 10 LA RAZA L.J. 1 (1998). The *Michigan Journal of Race and Law* and the *Michigan Journal of Law Reform* similarly have decided to publish jointly an independent symposium, tentatively titled *Class, Culture, and Color in LatCrit Theory: Activating Multidimensionality in Outsider Jurisprudence*. Finally, the proceedings of the inaugural LatCrit-Spain symposium, held in Malaga in 1999, are slated to appear in the *University of Miami Journal of Comparative and International Law*.

social justice critiques that affirmatively seek out and elucidate the “multi-synthetic” nature of social and legal power relations yesterday and today.⁴ This growing recognition of power relations as more like “webs” than “intersections” has helped increasingly to center multidimensionality as the evolving standard in LatCrit theory specifically and outsider jurisprudence generally.⁵ This solidifying adoption of multidimensional critique as a basic analytical approach to antistatutory theory and praxis is most apt, and these essays’ implicit but palpable view of the issues they confront as multifaceted webs rather than intersections is another step toward helping the LatCrit community better visualize and understand the nature of multidimensional, or postintersectional, critical legal theory and praxis.

In continuing and advancing multidimensional LatCrit discourse on religion, class, gender, and race,⁶ these works also show that much remains to be done. Directly, the following essays embrace the struggles for recognition, dignity, and opportunity that outsider scholars have inherited from our predecessors and share with our larger communities. Indirectly, they point to the many power struggles that envelop us and/or our situational kin daily, and that call for proactive and sustained LatCrit engagement if we are to use our work and energy toward enduring social transformation both within and beyond the law. These essays remind us both of the gains and limits, and the possibilities and challenges, of LatCrit theory and praxis. They remind us, each in its way, that emancipatory efforts, including ours, are fragile, always in danger of destruction, manipulation or erasure.

Yet, these essays are uniformly hopeful, each pointing to the emancipatory potential to be seized through critical theory and praxis despite the oppressive regimes that they respectively address. While documenting and decrying the historic and contemporary human toll of unjust and exploitative power relations, these essays individually and collectively insist on the possibility of a better future — one that we can and must envision, strive for, and incrementally put into place. Each critically narrates instructive resis-

⁴ See generally Kwan, *supra* note 2.

⁵ See generally *supra* note 2.

⁶ For a discussion of prior similar exchanges in this ongoing LatCrit conversation, see Elizabeth Iglesias & Francisco Valdes, *Afterword — Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 CHICANO-LATINO L. REV. 503 (1998).

tance experiences against past and present webs of power to elucidate how outsider scholars, and specifically LatCrits, may learn from and assist ongoing struggles against social injustice. They remind us that anticolonial persistence is our due despite distorted histories, troubled realities and daunting power relations.

The first trio of these essays, by Professors Guadalupe Luna,⁷ Terry Rey,⁸ and Laura Padilla⁹ collectively enrich the historical and ideological context and substance of LatCrits' continuing conversation about the sociolegal effects of power relations mediated by the construction and operation of religions, classes, genders, sexualities, and races among Latina/o and other communities. These three essays depict the deployment of "religion," in the form of Roman Catholicism, to implant Eurocentrism, white supremacy, patriarchy, and heterosexism throughout this hemisphere. While noting in each instance the nuances of this history, the authors of the following essays confront the "awesome"¹⁰ record of Roman Catholic agency and complicity in the brutal conquest of the Americas, as well as resistance to that conquest, to extract from the record useful lessons for LatCrit anticolonial praxis today. In the fourth essay, Professor Donna Coker¹¹ grapples with a concrete and contemporary policy issue crucial to the well being of Latinas, other women of color and/or poor women: the design of state interventions in domestic abuse and battering cases. In this essay, Professor Coker effectively confronts the present sociolegal legacy of the record that the prior essays help to illuminate; this final essay effectively links the heightened vulnerability of Latinas to social ills and societal alienation due to the ideologies and conditions spawned by and under Euroheteropatriarchy,¹² which the prior

⁷ See Guadalupe T. Luna, *Gold, Souls and Wandering Clerics: California Missions, Native Californians, and LatCrit Theory*, 33 U.C. DAVIS L. REV. 921 (2000).

⁸ See Terry Rey, "The Virgin's Slip in Full of Fireflies": *The Multifarious Struggle over the Virgin Mary's Legitimizing Macht in Latin America and Its U.S. Diasporic Communities*, 33 U.C. DAVIS L. REV. 955 (2000).

⁹ See Laura M. Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U.C. DAVIS L. REV. 973 (2000).

¹⁰ See Rey, *supra* note 8, at 955.

¹¹ See Donna Coker, *Shifting Power for Battered Women: Material Resources, and Poor Women of Color*, 33 U.C. DAVIS L. REV. 1009 (2000).

¹² By "Euroheteropatriarchy" I mean the fusion of white supremacy, Anglocentrism, androsexism and heterosexism, which are bundled together to produce the current sociolegal ecology of interlocking precepts, networks, and hierarchies that combine to place white, especially Anglo, straight, gender-typical men at the center of all social and legal institutions. See generally Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender,*

three essays effectively provide as a fitting backdrop for this closing piece.

In the first essay, Professor Luna focuses on the conquest or domination of "Native California" first by the Spanish, then by the Mexican and finally by the American governments.¹³ Especially in the Spanish colonial period, Professor Luna notes, the Roman Catholic Church served as a state instrument integral to Euroheteropatriarchal imperialism and exploitation, underscoring the counterhistory of native resistance to that project and its relevance to critical antistatist analysis today. Turning attention on the record left for us by those "at the bottom"¹⁴ of that colonial struggle, this essay shows how the spiritual-military conquest of these lands was undertaken with "soldiers and priests" to appropriate the wealth and destroy the culture of the natives despite their micro and macro acts of resistance to that unprecedented invasion, and to erect in their place empires for the secular and sectarian conquistadores of Europe.¹⁵ Though the structure of power relations doomed their immediate cause, the resistance of the natives to the injustices of religious, cultural, economic and political colonization evidences a profound sense of hope in the eventuality of justice that sustained, and perhaps inspired, native oppositionality against all immediate odds. This gritty record of hope and determination leads Professor Luna to conclude her essay with a set of unsentimental lessons toward emancipation in the context of Lat-Crit theory and praxis, lessons that oftentimes reflect, and help to apply, several of the LatCrit guideposts suggested in some early works.¹⁶

Perhaps most notably, these lessons point to the linkages that connect the present to the past: "In our time, politicians and other religious 'advocates' are asserting a return to the values, morals and religious beliefs" that accompanied, animated and allowed this hemisphere's colonial conquest, and this resurgence of suppressive

and *Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161 (1996) (analyzing specifically sex/gender aspects of this hybrid).

¹³ See Luna, *supra* note 7, at 921-26, 928-42.

¹⁴ For an exposition of the critique from the bottom, which has been foundational to outsider jurisprudence, see Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987); see also Iglesias & Valdes, *supra* note 6, at 515-21 (counseling adoption and employment of this methodology in LatCrit theory).

¹⁵ Luna, *supra* note 7, at 931-32.

¹⁶ See *id.* at 945-52.

ideological traditions “calls for answers as to the proper relationship between religion, law, and the polity,” writes Professor Luna.¹⁷ This “lesson” not only recalls and affirms the importance of historicized sociolegal critiques in LatCrit theory and other genres of outsider jurisprudence but also properly trains the focus of the critique on the social and economic, as well as the political and legal effects of religiosity on marginalized communities. The point of antisubordination critique, in other words, is not whether any person’s or group’s particular faith is worthy of others’ belief but whether that faith is being activated culturally, materially, and otherwise in a manner consistent with basic antisubordination principles and ongoing social justice quests. And this point, of course, entails consideration both of the historical and contemporary uses of “religion” as an institutionalized factor in civil society by those with the power to mobilize its sociolegal resources and to influence the construction and operation of civil society.¹⁸

The historical aspect of this question, though nuanced, strongly suggests that the project of Euroheteropatriarchal conquest throughout the Americas, as this essay’s capsule history illustrates, amounted to the forced establishment of the conjoined isms that seem uniformly to concern LatCrit and other antisubordination scholars today: “European notions of white superiority” along with patriarchal ideology, heterosexual privilege, and economic exploitation.¹⁹ These structures of “degradation and discrimination” have been used to ensconce the hierarchical norms and elites that still govern the Americas to the detriment of women, the poor and all non-Anglo, nonwhite, non-Christian, nonheterosexual persons and groups — explaining, of course, LatCrit attention to these isms, as well illustrated by this essay.²⁰ This critical account of religious and secular colonial alliance, and its joined treatment of conjoined “isms,” thus reminds us that, and again helps to show how, critiques from the bottom can help to expose contemporary structures of subordination not only as historical and local but also as contextual *and* multidimensional.

Professor Terry Rey likewise confronts this record of conquest and its continuing ramifications, similarly drawing insight from the

¹⁷ *Id.* at 944.

¹⁸ *See infra* notes 46-48 and accompanying text.

¹⁹ *See id.* at 929-38.

²⁰ *See id.* at 952-54.

bottom of religion's colonial record. While the geographic focus is expanded in this essay to cover various spaces and places, the critical focus is distilled, spotlighting a particular symbol freighted with cultural and political as well as dogmatic significance in the context of Spanish-Catholic imperialism throughout this hemisphere and in its continuing aftermath: the Virgin de Guadalupe. Yielding the more specific conclusion that "Hispanic colonization was Marian colonization,"²¹ this essay shows yet again how church and state conspired in the colonial project. Using the figure and cult of this Virgin as exemplar and trope, Professor Rey shows that the Virgin was as integral to the church's imperialism as the church was to the state's imperialism in the joint Catholic-Spanish project of socio-economic conquest and cultural genocide.

But, in this analysis, the Virgin also has served emancipatory purposes strategically and significantly. A figure prominent in Roman Catholic cosmology that can be enlisted in particular times and places by the subjugated as a form of resistance to the "misogyny of orthodox Catholic theology," this icon "is a hotly contested symbol, taking on a host of causes and responding to the needs of both the dominant to dominate, and the subjugated to resist." This is true in the "economic, the political, and the sexual fields," explains Professor Rey.²² The "subversive" element in this analysis is the capacity of non-Christian, nonwhite/non-European groups to syncretize the Virgin, challenging her Eurocentric, white-identified depiction as a "delicate blond" by casting her as a "goddess" racialized as black. By definition and depiction, the transfigured icon could be interposed at culturally or politically crucial moments by those at the bottom of this colonial equation to help undermine her own utility as an instrument of Euroheteropatriarchal conquest and hierarchy.²³

This element of Professor Rey's analysis, like Professor Luna's essay, brings into sharp relief the Eurocentric racial/ethnic politics of Roman Catholic and Christian evangelism, especially when coupled with state-sponsored colonization. As a pair, these essays make plain how "religion" has been exploited repeatedly throughout the continents of this hemisphere to help constitute "race" in general and white supremacy in particular, and vice versa. This

²¹ Rey, *supra* note 8, at n.15.

²² *Id.* at 957.

²³ *See id.* at 963-67.

essay, like the preceding one, elucidates and confirms that LatCrit engagement of “religion” is and must be a multidimensional engagement of “race” and racism, and vice versa, and also of their multi-intersected connections to other webs of power and identity, including culture, gender, class, and sexuality.²⁴

Like Professor Luna’s essay, this account emphasizes the importance of resistance to enduring and structural sources of oppression. Depicting a “grassroots liberation Mariology,” Professor Rey’s essay explains that “a careful historical analysis of Latin American religious history reveals a consistent undercurrent of antistatist Mariology that stands ‘in active opposition’ to all forms of oppression,” and that has played an “irreplaceable role” in Haiti’s and similar Latin American struggles for emancipation.²⁵ By implication, and as in the case of Professor Luna’s essay, this emphasis on the “undercurrents” of colonialism suggests the significance of hope in maintaining a vision of the future that embraces the eventuality of liberation — in this instance, hope at the grassroots level that change *is* possible despite the intransigence of colonial hegemony, a hope that seemingly helps to sustain the long struggles and necessary sacrifices toward political change, legal reform and social emancipation. In these two essays, as in the next two, identity, hope, and resistance are joined to expose, map and pierce both past and present webs of power.

More specifically, Professor Rey’s focus on the Virgen and her sociopolitical symbolisms, especially the practice of “transfiguring these symbols in African terms,” leads this essay to identify “syncretic appropriations” of oppressive symbols as a form of antistatist praxis; resistance through “ideological appropriation” of power-laden symbols, as in the case of this Virgen in the hands of enslaved African Americans or native “converts” to Roman Catholicism, becomes the emancipatory tool emphasized hopefully in this essay. This strategy, of course, is well known among outsider legal scholars familiar with Queer theory,²⁶ and it more specifically

²⁴ See generally *Religion and Spirituality in Outsider Theory: Toward a LatCrit Conversation*, 19 CHICANO-LATINO L. REV. 417 (1998) (presenting cluster of essays on “religion” and LatCrit theory from various perspectives); see also Iglesias & Valdes, *supra* note 6, at 511-55 (discussing those essays in context of LatCrit theory).

²⁵ Rey, *supra* note 8, at 963.

²⁶ See, e.g., 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, 344-54 (1995).

recalls the challenges faced (still?) by LatCrits in the collective act of group self-denomination.²⁷ Although Professor Rey does not spell out any particular “syncretic appropriations” ripe for reclamation and transfiguration, his invocation of this resistance strategy within the specific context of LatCrit theorizing serves the salutary purpose of training our collective attention on this type of action as part of the arsenal that LatCrits, like Queers and other outsiders, can activate strategically to combat sources of continuing disempowerment.

And because this call emanates from the particular example of African and indigenous resistance to racial, cultural and economic subordination, Professor Rey’s analysis illustrates by example not only the linkages that tie race and ethnicity to culture, class, and religion, but also the continuities that tether the present to the past. The historical moments depicted in this essay thus provide a timely occasion for LatCrit and allied scholars to appreciate how and why the contemporary antistubordination projects of “different” nonwhite groups may have more in common than our immediate era, or personal experience, may otherwise suggest. Indeed, Professor Rey’s account underscores the historical, ideological and structural interconnection of African and native peoples and cultures in the construction of today’s multiply diverse “Latinas/os” specifically through the historical processes of colonialism that enslaved Africans, exterminated natives, yielded mestizas/os and led to today’s multiply diverse and transnational “Latina/o” communities. In this way, this essay centers neglected histories and pressing legacies that call for critical coalitions among LatCrit and allied scholars, coalitions dedicated to a hopeful, capacious, and egalitarian resistance of multidimensional power webs based on the suppressive ideologies of Euroheteropatriarchy.

These first two essays, by Professors Luna and Rey, both marshal hidden histories and antistubordination criticality to call into view, and draw hopeful insights from, the resistance to subjugation of those who came before today’s communities of color with the onset of Euroheteropatriarchal colonization. Professor Luna’s focus on Native California, and Professor Rey’s focus on Haiti and other lands of the Caribbean and Latin America, show how multidimen-

²⁷ I refer, for instance, to the choice of “Latina/o” over “Hispanic,” as well as to the problematics of that choice vis-à-vis indigenous peoples both within and outside of “Latina/o” communities. See Iglesias & Valdes, *supra* note 6, at 568-70.

sional and interdisciplinary analyses of *particular* social regimes can begin to map the *patterns* of interlocking structures of subordination across time, culture and place, and of sustained resistance to them. Both, in their respective projects, look to “the bottom” for contemporary normative insight and corrective policy-making creativity; both center groups at the margin to draw lessons with current resonance, thereby displaying the critical as well as reconstructive utility of this well-known method in outsider jurisprudence.²⁸ These essays thereby exemplify foundational LatCrit commitments and well-established outsider methodologies that pursue interconnective and transformative interventions on behalf of social justice in the discourses and practices of outsider critical theory.²⁹ But, this ongoing and growing engagement with canonical religion and its artifacts is not just theoretical, nor only political, cultural or social, but also personal, as Professor Laura Padilla’s essay shows.

Professor Padilla’s essay portrays a present and direct negotiation *within* the LatCrit community of the larger legacies that the prior two essays outline and critique in social and legal terms. The dilemma described here by Professor Padilla is how to advance the capacity of “Catholic Latinas [to] use religion as a source of strength, as a survival and resistance strategy, and as a way to build community” while diminishing its power as “a subordinating and oppressive force.”³⁰ Noting the grip on Latina/o societies that is Spanish colonialism’s bequest to Roman Catholicism, and centering the role of Latinas in the instillation of dogma via the traditional cross-sex family, Professor Padilla seeks some socially redeeming value for this religion, and finds it also in the figure and record of the Virgen. Like Professor Rey, Professor Padilla points hopefully to the politics and potential of the Virgen’s image, and similarly proffers syncretization as basic outsider method and anti-subordination praxis: this essay calls for “Latinas today to syncretize the traditional doctrine of salvation with a progressive vision of what religion can do for them.”³¹

These back-to-back calls for syncretism in LatCrit theory of course raise intriguing possibilities. Though both Professor Rey’s and Professor Padilla’s essays provide non-European transfigura-

²⁸ See, e.g., *supra* note 14 and accompanying text.

²⁹ See Valdes, *supra*, note 1; see also *supra* note 2 and accompanying text.

³⁰ Padilla, *supra* note 9, at 974.

³¹ *Id.* at 986.

tions of the Virgen as an example of antisubordination syncretism, neither makes it clear how that example can guide syncretic moves in LatCrit theory today. Nonetheless, these calls do coincide with LatCrit commitments to transgressive analyses that cross, and affirmatively blur, the many borders and boundaries that dominant forces seek to impose as the organizing principles of our realities.³² Though these essays do not clarify how LatCrit theorists might translate the call to syncretism into antisubordination praxis, they do remind us that sources of resistance always may be found among the borders erected to confine and control us, whether materially, politically, culturally, or intellectually. These calls not only center a spirit of hopeful resistance in antisubordination analysis, but also ground hope and resistance in the human capacity to act critically and ethically in strategic ways toward substantive ends. In this sense, these twin calls to syncretism as antisubordination method can serve as an always-healthy reminder that all “scholarship” is political and, in a legalistic society, perhaps especially legal scholarship.³³

In any event, the project of reclaiming and redeeming organized religion (as opposed to the image of the Virgen) in Latina/o contexts clearly is complicated by some hard facts, specifically for Latinas, as Professor Padilla notes candidly: not only did this church endeavor to “systematically destroy” the cultures and civilizations of Latina/o forbears for self gain and pecuniary profit, but “Latinos have remained at the margins of Catholic leadership, with Latinas nearly invisible.”³⁴ Indeed, this is a church in which all doors that lead to influence still “are closed to women” and through which public policy and religious dogma that “leave Latinas [and other women] few procreative options” still is promoted.³⁵ It is a church, as Professor Padilla discusses, with histories and traditions that con-

³² For an example of “border-crossing” analysis from earlier LatCrit symposia, see Margaret E. Montoya, *Academic Mestizaje: Re/Producing Clinical Teaching and Re/Framing Wills as Latina Praxis*, 2 HARV. LATINO L. REV. 349 (1997).

³³ The political relevance of legal scholarship has been recognized in LatCrit theory from inception. See Valdes, *supra* note 1, at 53 (noting that, “Perhaps the foundational message that resonates through the works in [the LatCrit I] symposium is that all legal ‘scholarship’ is necessarily and fundamentally ‘political’ because law is used to structure society and theory helps to construct law”). See generally Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality and Responsibility in Social Justice Scholarship*, 75 DENV. U. L. REV. 1409, 1412, 1459-63 (1998) (emphasizing importance of critical legal theory and praxis in legalistic society, such as one we inhabit).

³⁴ Padilla, *supra* note 9, at 988.

³⁵ *Id.* at 994.

sistently uphold and valorize the superiority of men over women on the basis of precepts about sex and gender, a church endeared still, here and now, of these histories and traditions.

Professor Padilla finds, in the liberation theology of Latin and South America, a path beyond this structural and sociopolitical reality, proffering this alternative and progressive expression of Catholicism as an emancipatory tool for Latina/o and LatCrit evolution of human religion and spirituality.³⁶ Of course, this invocation of liberation theology confirms prior LatCrit urgings to find in liberation theology's body of work some of the theoretical and political means to help align Christianity generally, and Catholicism specifically, with LatCrit theory's antisubordination ideals and objectives.³⁷ This essay, however, beckons Latinas in the LatCrit community, in particular, to take up this task. It remains unclear how the call in Professor Padilla's essay to syncretic analysis and praxis fits in with this call to embrace liberation theology, or if the two bear any intended relationship to the specific focus on Latinas in the issuance of these calls. However, it is noteworthy that liberation theology itself amounts to an act of syncretism — a mixing of traditional theological doctrine with social justice principles. To the extent that liberation theology may be viewed as a model of antisubordination discourse and praxis³⁸ that has used syncretism effectively, the question that this essay thus raises is: precisely how should or may Latinas, *in particular*, draw relevant lessons from the texts and record of liberation theology, and then activate them in the context of LatCrit theory and praxis?

Finally, Professor Donna Coker's essay in effect depicts, and carefully analyzes from an antisubordination perspective, a concrete set of current issues rooted in the sociolegal legacies that we — LatCrit theorists, other antisubordination scholars, and society in general — have inherited from the histories of subordination and exploitation summarized and confronted in the preceding essays. This essay's project is the crafting of anti-essentialist domestic violence policy interventions informed by the goal of delivering "increased material resources for women, and particularly for poor

³⁶ *Id.* at 989-1001.

³⁷ *See, e.g.,* Iglesias & Valdes, *supra* note 6, at 535-45.

³⁸ *See id.* (proffering liberation theology as instructive model of antisubordination discourse and praxis, and focusing on few particular examples of its utility in LatCrit theory).

women of color.”³⁹ To do so, as Professor Coker well demonstrates, requires multidimensional analysis of the social and legal conditions that define the position of poor women of color vis-à-vis domestic violence and state power. What is necessary, this essay shows us by example, is multidimensional detail and critical sharpness capable of cutting through the webs of power based on class, gender, race, ethnicity, immigration status, language, and culture that converge in domestic abuse policy to overlook or even aggravate the position of these particular women vis-à-vis law and society.

Professor Coker thus considers, first, how economic vulnerability is integral to battering — before, during and after the fact — concluding that “economic dependency on the partner was a significant predictor of severe violence” in various empirical studies.⁴⁰ She considers, in addition, how race, ethnicity, class, gender, immigration status, culture, and language interact to “structure the responses women are likely to encounter from helping institutions, the manner in which the battering is understood by those around them, and the manner in which women understand the abuser’s behavior.”⁴¹ More particularly, to the extent that social inquiry has considered race, she continues, the “research on battered women suffers from a ‘black/white’ paradigm problem in which the experiences of white women represent all women, the experiences of African American women represent ‘women of color,’ and the differences between African American and White women represent all racial/ethnic differences.”⁴² Moreover, a regime of uncritical criminalization of domestic violence through the spread of pro-arrest and mandatory arrest programs has helped to “hide the social and political conditions that foster battering,” especially among poor and nonwhite women.⁴³ Again “looking to the bottom” for analytical and remedial guidance,⁴⁴ Professor Coker details examples of sociolegal impediments to Latina agency and well being in domestic violence contexts due to the multi-intersectional impact of personal and structural identity variables. The net result is an extraordinarily strong demonstration of the complex but discernible ways in which social, economic, *and* legal factors combine

³⁹ Coker, *supra* note 11, at 1055.

⁴⁰ *Id.* at 1024.

⁴¹ *Id.* at 1026.

⁴² *Id.* at 1029.

⁴³ *Id.* at 1016.

⁴⁴ See *supra* note 14 and accompanying text.

both to complicate as well as to neglect and marginalize the lives and interests of women of color and poor women in domestic violence policymaking and, by extension, perhaps in other policy arenas as well. In my view, Professor Coker's essay sets a standard for LatCrit attention to social particularity and multidimensionality in critical antistatist analysis.

Despite its daunting depiction of social reality, this essay, like the preceding ones, is firmly committed to envisioning and promoting social change through antistatist analysis and sociolegal reform. Recognizing that the particularities of different socially constructed situations "def[y] easy analysis," this essay shows how contextualized critiques of prevailing conditions and possible alternatives can yield tailored policy interventions geared to a constant social justice objective: rather than rely on essentialist stereotypes as the basis of a "one-size-fits-all" policy approach, "resources should be made available to women so that, with assistance, they can make the determination about the best course of action based on their own set of circumstances."⁴⁵ The policy objective is plain: empowerment of abused women through the targeted delivery of material as well as other resources. While confirming the indispensability of socioeconomic context and other axes of particularity in social justice analysis and in sound lawmaking, this essay effectively urges LatCrit theorists to persist both with particularity and diversity in antistatist discourse and praxis. This essay, like the preceding ones, thus beckons LatCrit and allied scholars to check, and perhaps cure, the social ills and legal effects of Euroheteropatriarchy through hopeful acts of resistance against the suppressive identity politics of historically and presently dominant forces.

In urging the grounding of policy in contextual multidimensional analysis, this concluding essay, again like the ones before it, finds and proffers emancipatory recommendations geared to antistatist resistance sustained and informed by a sense of hope for and vision toward a materially and ethically better future. Disclaiming "simplistic" solutions to variegated domestic violence issues, Professor Coker nonetheless manifests a strong belief in the possibility and viability of substantive sociolegal advancement through multidimensional interventions grounded in the insights

⁴⁵ Coker, *supra* note 11, at 1020.

and methodologies of outsider jurisprudence. In so doing, this essay raises again the role or potential of hope in antisubordination discourse and praxis; this essay, like the preceding trio, implies or exudes a sense of hope as a positive ingredient in the imagination and implementation of a social justice movement. In different ways and with different foci, each of the following essays points to a positive conjunction of identity, resistance, and hope in the articulation and sustenance of historic and contemporary struggles for liberation.

As a set, these essays certainly continue and advance the LatCrit engagement of religion, race, class, gender, immigration status, culture, and language from an antisubordination, anti-essentialist perspective. They further a balancing of continuity, variety and diversity in the critical and self-critical development of LatCrit discourse. In performing this complex balancing act, the following quartet of essays also reveals some key features of the LatCrit enterprise at this particular juncture in its ongoing evolution.

To begin with, this cluster of essays displays yet again, and confirms, the difficulties presented by the legacies of organized religion specifically in Latina/o communities, and also more generally. These legacies comprise today's antisubordination battlefields, including: colonialism, white supremacy, patriarchy, heterosexism, structural economic inequality, and other human horrors. This church, of course, did not invent or exclusively champion these structures of inequity, but it has cast its lot over the course of history, by and large, with the forces promoting and benefiting from these oppressive ideologies. As Professor Padilla and others point out, individuals operating within the church sometimes are able to channel church actions or resources toward progressive ends or ideals, or, as Professor Rey especially recounts, symbols can be inverted, thus making the overall record complex. Yet these essays collectively also make plain that this overall record contains "awesome" examples of "systematic destruction" and (sometimes still continuing) examples of total exclusion aimed at persons and groups on the basis of their race, culture, religion, sex, gender, sexual orientation and/or class. While opportunities for redemption no doubt can be found in the intricacies of history, the overall record makes the project of reconciliation on substantive terms difficult to imagine, much less to articulate and implement, because what matters most are the *cultural* influence and *social* impact

of the church as an institution with proprietary control of a vast and well-established belief system, which uses dogma mightily to control the making of law and policy.⁴⁶ On this point, the historical record is foreboding: these hopeful essays show how and why historicity in LatCrit theory presents a daunting challenge for critical and self-critical efforts to integrate “religion” into antistatist theory and praxis.

However, as Professor Luna notes, the difficulties stem not only or even chiefly from historical legacies, though these legacies no doubt add to the difficulty. The reasons why the reconciliation of formal Catholic dogma, practices, and institutions with antistatist principles is a difficult project includes an enduring aspect of social life: the ecclesiastical machinery that owns title to and exercises dominion over the emblems and resources of the church, tangible and otherwise, elects to deploy them today, still “systematically,” to oppress persons and groups on the basis of identity and identification. Without questioning the value of personal benefit through the comforts of faith, the current record presents a continuation of history that is just as foreboding: the church institutionally and systematically still deploys its resources to cause social and legal effects that are detrimental — in material and other terms — to many Latinas/os and others on the basis of identifications or characteristics that church officials presently target for intentional suppression;⁴⁷ this institutional insistence on suppress-

⁴⁶ See generally Editorial, *Church, Politics, Abortion*, MIAMI HERALD, Nov. 21, 1998, at 24A (objecting to “use of public office to translate church doctrine into general law”); see also SARA DIAMOND, *SPIRITUAL WARFARE: THE POLITICS OF THE CHRISTIAN RIGHT* (1989). See generally Kenneth L. Woodward, *2000 Years of Jesus*, TIME, Mar. 29, 1999, at 52 (assessing in mass culture format how Christianity has helped to shape “Modern World,” from “Holy Wars” to “Helping Hands”). Consequently, and despite the formal separation of church and state written into the Constitution, the cumulative cultural sway and concerted political campaigns of organized religions makes the religious beliefs and attitudes of even presidential candidates an electoral issue. See, e.g., Jodi A. Enda, *Religion Becomes a Defining Issue*, MIAMI HERALD, Nov. 14, 1999, at 3A.

⁴⁷ An easy example is persons and groups characterized by minority sexual orientations, both within and beyond Latina/o communities, who continue to be a prime target of religious assault and exclusion. See Iglesias & Valdes, *supra* note 6, at 546-61. In addition, as Professor Padilla notes, the Church today closes the door on women when positions of influence at the higher echelons within the hierarchy of the institution are involved, even though women of course are permitted to perform certain services for the Church. See *supra* notes 34-35 and accompanying text. It should be noted that the Church’s current persistence with aggressive evangelism continues to spark the objection of indigenous or non-European, nonwhite people, sometimes to the point of sparking violent riots to protest the imperialisms associated historically and presently with evangelical missions. See, e.g., Alessandra Stanley, *Pope Tells India Church Has a Right to Evangelize*, N.Y. TIMES, Nov. 8, 1999, at

ing nonconforming humans, ideas or phenomena in turn flows from historical and traditional Euroheteropatriarchal precepts and practices that the present-day church elects not only *not* to repudiate, but affirmatively to reassert and intensify.⁴⁸ It is a power *intentionally* exerted over identity and community to suppress human diversity and dissidence, an exertion that oftentimes has disorganized the human capacity to live peacefully with neighbors of different faiths and caused humans here and across the globe to vex each other over questions of faith; unfortunately, human faith in organized religions has been practiced as a form of identity politics used to “vex and oppress” throughout history and presently on matters having little to do with faith and much to do with fate.⁴⁹ It is this current and consistent continuation of organized religions’ intentional efforts to impose Euroheteropatriarchal influence over present social policy and legal reform in suppressive ways that challenges the LatCrit community most in its effort, as illustrated by these essays, to bridge the historical *and* contemporary gaps between “religious” positions and antisubordination principles.

The following essays thereby serve to remind us of a related point: the vindication of religion ultimately cannot be secured solely or primarily by the personal faith or unilateral insight of its LatCrit believers. A sprawling and sophisticated institution does exist, exerting conscious and calculated influence over the course of events, *as an institution*, with a highly centralized power structure

A3; see also, Uli Schmetzer, *India Gives Pope Low-Key Reception; Hindu Militants Force Elaborate Security Plans*, CHI. TRIB., Nov. 6, 1999, at 4. The contemporary response of the Church to such reactions, as recently issued from its highest authority, the Pope, is simply to reassert “apostolic exhortations” that insist on the unfettered right to convert others anywhere and everywhere in the world. *Id.* While the “freedom of religion” that properly is every human’s right no doubt encompasses activity that might be described as conversion, the point of difficulty, not to be missed, is how a powerful institution orchestrates its resources internationally to mount socially significant campaigns; the questions arising from this point, and making reconciliation difficult because of the answers compelled, are: who benefits from these institutional campaigns, and who hurts? Accepting the proposition that faith in organized religions provides comfort to some individuals, why should support be extended for suppressive *institutional* or dogmatic campaigns and their consequences, whether in the form of tax breaks or personal fealty, in light of their social, economic, political, and legal imperatives or effects?

⁴⁸ For recent summary descriptions, see Iglesias & Valdes, *supra* note 6, at 523-27, n.45-60.

⁴⁹ The divisive and vexatious power of human faith in organized religions prompted James Madison to cite this phenomenon as one of the reasons for a system of government that separates and disperses political power: “different opinions concerning religion” cause humans to “vex and oppress each other.” THE FEDERALIST NO. 10, at 18 (James Madison) (Roy P. Fairfield ed., 1966).

headquartered in and cloaked by its own sovereignty as an internationally recognized state: the Vatican. This church's power to help give shape to the material world around us stems in part from its control, as a recognized and actual institution, of massive material resources, and as the long-time beneficiary of myriad tax advantages and other sociolegal and socioeconomic benefits that magnify ever more this religion's assets as a formal and socially aggressive institution. The enrichment of our collective critical engagement with "religion" that these essays exemplify is a necessary and ongoing priority among LatCrits today. But the LatCrit social justice challenge ultimately must also confront whether the power-wielding institutions of organized religion somehow can be socially tranquilized, even if not authentically converted to the cause of anti-essentialist, antisubordination praxis.

A second feature of the LatCrit enterprise at this moment in its young history, also indicated by the following essays, is the growing incorporation of class issues in the multidimensional analysis of sociolegal subordination. As a set, these essays make class and political economy a pervasive and integral component in their approaches to the particular webs of power they seek to disentangle and dismantle. For instance, the Luna essay traces the confiscation and manipulation of wealth as an instrument of racist, sexist, and religious colonization and resistance to it;⁵⁰ the Rey essay highlights "elite and popular" constructions and activations of the Virgen to sustain socioeconomic, as well as political and cultural, hierarchy and resistance to such colonization;⁵¹ the Coker essay centers "economic dependency" in the power dynamics of abuse and in the antisubordination design of domestic violence interventions as applied especially to Latinas and other women of color.⁵² The recurrence and prominence of class analysis in these essays bodes well for LatCrit theory and outsider jurisprudence more generally, as it helps to excavate insights and interconnections long neglected in our collective record to date.

This engagement of class, poverty, and economic stratification is necessary not only to map the glaring, but complicated, interlacing of race and class in law and society, it is also warranted by the original inclusion of class issues in outsider jurisprudence's anti-

⁵⁰ See Luna, *supra* note 7, at 936-37.

⁵¹ See Rey, *supra* note 8, at 957-71.

⁵² See Coker, *supra* note 11, at 1024-32.

subordination project⁵³ and by the central role of this construct in any agenda trained on antisubordination transformation. Unwilling to settle merely for formal or abstract equality, LatCrit theory, like its predecessors and allies in outsider jurisprudence, has set its sights on the actual transformation of material social conditions.⁵⁴ Though class-based transformation by itself is not, and by itself cannot produce, multidimensional social transformation, the latter cannot be materialized without the former. The material transformation of socioeconomic realities effectively requires a reconfiguration, or abolition, of traditional patterns and preferences that construct extant forms of political economy, class stratification and identity politics. As these essays plainly recognize and confirm, LatCrit and allied scholars must center class, color, culture and political economy in multidimensional antisubordination critiques to help transform society and achieve our collective social justice goals.

Moreover, initiating and sustaining class analysis can aid LatCrit theorists' continuing effort to theorize the formation and operation of outsider jurisprudence as a distinctive intervention in legal discourse. For instance, outsiders' approach to class analysis should query why feminist, critical race, Queer, LatCrit and other perspective movements have arisen during the past two decades while a class-based subject position remains unrealized. This question, of course, implicates the fact that group identification and connection on socioeconomic class grounds has little, if any, basis in the American polity. On the contrary, class position as a form of "identity politics" has been decidedly discouraged as part of this nation's egalitarian mythology and its relentless pursuit of "free markets" and "merit"-based capitalism, both of which vaunt the endless and untroubled malleability of class positions and formations. Scholars in this country therefore do not have a ready-made springboard from which to articulate and activate class positionality and perspectivity as a site of antisubordination identity, community

⁵³ This early focus, and its general lack of development during the first decade, were discussed in Stephanie Phillips's presentation at the Eighth Annual Critical Race Theory Workshop in 1997, and is further elaborated in Stephanie L. Phillips, *The Convergence of the Critical Race Theory Workshop with LatCrit Theory: A History*, 53 U. MIAMI L. REV. 1247 (1999). There has been a reengagement of class in outsider jurisprudence.

⁵⁴ For one view of LatCrit theory vis-à-vis other strands of outsider jurisprudence, see Francisco Valdes, *Afterword — Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience — RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999).

and politics. Yet the seeming permanence of racism's effects, including the production of an impoverished "underclass" of color,⁵⁵ points to class positions and relations as untapped sources of individual and group identity ready for antistatist enlistment.

These observations on class and multidimensional analysis in LatCrit theory and allied genres of outsider legal scholarship of course raise more questions than can be answered in this Introduction, but they show that our collectively postponed critique of class formation, political economy and identity politics may uncover innovative and effective strategies for social transformation. These observations suggest that antistatist analysis and re/organization of "class" through critical legal scholarship and praxis can help to connect theoretical and political conditions to promote social justice across various overlapping webs and categories of disempowerment. These essays vividly illustrate the significance of a long overdue task: together with other progressive scholars, LatCrits can and should take outsider antistatist efforts and tactics into promising, but underdeveloped, domains by theorizing class consciousness as integral to our multidimensional, anti-essentialist social justice struggles.⁵⁶

In addition to these substantive features, the following essays also project a continuing richness of methodology in LatCrit scholarship at this point in time. In these essays we witness scholars bringing to bear on antistatist projects both various disciplines and varying methods, ranging from history and sociology⁵⁷ to cultural narrative and empirical studies.⁵⁸ Happily, these essays illustrate and affirm the LatCrit commitment to diversity not only in subjectivity, but also in methodology.

In closing, these four essays, individually and collectively, project a determined balancing of skepticism and optimism. They rely, to varying degrees, on a sense of hope to counter the weight of tragic histories and toxic legacies. In some respects, they even might en-

⁵⁵ See, e.g., Dierdre Martinez & Sonia M. Perez, *Toward a Latino Anti-Poverty Agenda*, 1 GEO. J. ON FIGHTING POVERTY 55 (1993); see also Roy L. Brooks, *The Ecology of Inequality: The Rise of the African-American Underclass*, 8 HARV. BLACKLETTER J. 1 (1991) (exploring reasons for continuing segregation of African Americans in pockets of poverty).

⁵⁶ Fittingly, the planning committee of LatCrit V, the Fifth Annual LatCrit Conference, scheduled for Denver in May 2000, has adopted a class-oriented conference theme, "LatCrit Theory and Praxis in a World of Economic Inequality." See generally *supra* note 3 and accompanying text.

⁵⁷ See, e.g., Luna, *supra* note 7; Rey, *supra* note 8.

⁵⁸ See, e.g., Coker, *supra* note 11; Padilla, *supra* note 9.

tail some leaps of faith, religious or otherwise. This positive outlook might seem odd, given the entrenched power of the subordinating structures they confront and the complexities presented by remediation, much less transformation. But does this sense of hope in any way distract from the sense of “disenchantment” that characterizes or motivates much outsider scholarship, including this quartet of essays?⁵⁹ To be sure, blind hope can be a sign of dangerous naiveté, but is it always necessarily and automatically so? Or, may hope somehow help to sustain proactive resistance against sources of oppression and disenchantment? These authors’ sense of optimism and hope seem to suggest the latter — that hope can serve, and *has* served, as the source of strength and vision at precisely those moments when the rationality of perseverance in anti-subordination struggle may be most tested.

This sense of hope is not offered in the following essays without sense of criticality, however. Nor should it be. Rather, as these essays indicate, hope as antsubordination method in outsider jurisprudence must be accompanied by a rigorously multidimensional critique of the webs of power that suppress and violate disfavored humans. Hope, as all else in LatCrit theory, must be informed by critical and self-critical approaches to antsubordination theory *and* praxis.⁶⁰ Hope, coupled with antsubordination criticality and self-criticality appears in these pages as another means of nurturing social justice struggle; critical hope, or hopeful criticality, thus joins critical coalitions as another method in the articulation and advancement of social transformation through outsider jurisprudence.

Clearly, LatCrit scholars must acknowledge and appreciate both the dangers and limits of hope as well as the resilience and prevalence of the sticky webs of power that construct identity, orient destiny and constrain agency. Just as clearly, antsubordination struggle must continue even, perhaps most, when the odds seem to make it futile. But, when our work’s social relevance or worth must be found in the intrinsic value of antsubordination persistence, the question effectively posed by these essays for the LatCrit com-

⁵⁹ See Angela P. Harris, *Foreword — The Jurisprudence of Reconstruction*, 82 CAL. L. REV. 741 (1994) (discussing tension of optimism and pessimism associated with modern/postmodern elements in critical race theory, including commitment to struggle for actual social change while at same time recognizing daunting proposition that social justice advocates face).

⁶⁰ See Iglesias & Valdes, *supra* note 6.

munity is whether the obligation to persist can, or should be, informed by a critically hopeful vision of our joint capacity to elaborate and coalesce around a substantive commitment to a broadly-conceived postsubordination order. These essays suggest that yes, *critical* hope in our capacity to generate social progress through persistent and multidimensional grassroots struggle can be an empowering source of strength to sustain both past and present anti-subordination efforts, and should be used by LatCrits today strategically toward the accomplishment of social justice ends. Though some may disagree, I could not agree more because, in my view, outsiders cannot struggle for very long toward that which we cannot envision, and we are unlikely to accomplish anything of enduring value that we cannot or have not envisioned.

The closing observation prompted by these essays, then, is that LatCrit scholars, like other outsiders engaged in a long term struggle against enduring and complex webs of subordination, must be able to articulate a *hopeful* yet critical and practical vision of a postsubordination order, for which “we” then can decide jointly to struggle. But this sense of vision must be grounded in more than critical hope and praxis, of course. Postsubordination vision, to be effective jurisprudential method, must spring from and be guided by the many lessons and gains of our collective experiments as outsiders in the legal academy. Postsubordination vision, grounded in our collective jurisprudential record and informed critically by a sense of hope in our capacity to mold a better world than we inherited, must be a collective effort that articulates and produces the substantive principles and commitments necessary to the attainment of sociolegal equity for all groups and persons disempowered by Euroheteropatriarchal ideologies.⁶¹ This sense of critically hopeful vision, in addition to history and more than identity, must increasingly become the organizing principle of collective antisubordination enterprises, jurisprudential and otherwise.⁶² The passage of time, and the critically hopeful efforts that LatCrit and allied scholars devote to antisubordination vision and struggle, will help to determine whether today’s emancipatory hopes become

⁶¹ See Francisco Valdes, *Outsider Scholars, Legal Theory, and OutCrit Perspective: Postsubordination Vision as Jurisprudential Method*, 49 DEPAUL L. REV. 101 (1999).

⁶² See generally Robert S. Chang, *The End of Innocence, or Politics After the Fall of the Essential Subject*, 45 AM. U. L. REV. 687, 690-91 (1996).

tomorrow's social progress, but, fittingly, the following quartet of essays nudge us now in the right direction.

