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Volume 49

Issue 3 Spring 2000: *Symposium - Bridging Divides: A  
Challenge to Unify Anti-Subordination Theories*

Article 6

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# Outsider Scholars, Legal Theory & Outcrit Perspectivity: Postsubordination Vision as Jurisprudential Method

Francisco Valdes

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Francisco Valdes, *Outsider Scholars, Legal Theory & Outcrit Perspectivity: Postsubordination Vision as Jurisprudential Method*, 49 DePaul L. Rev. 831 (2000)

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# OUTSIDER SCHOLARS, LEGAL THEORY & OUTCRIT PERSPECTIVITY: POSTSUBORDINATION VISION AS JURISPRUDENTIAL METHOD

Francisco Valdes\*

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## INTRODUCTION

This essay considers the relationship of Critical Race Theory (“CRT”)<sup>1</sup> to the concept and potential of postsubordination vision as jurisprudential method. But, as presented below, postsubordination is both a means and an end. It also comprises both method and content, for it describes the project of articulating and producing the sociolegal

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\* Professor of Law, University of Miami. I thank Marc Spindelman for prompting some initial thoughts included in this essay. I also thank Angela Harris, Jerome Culp, and Harlon Dalton for conceiving and leading the organization of the Tenth Anniversary-Critical Race Theory Conference, at which I delivered a preliminary version of these thoughts. Finally, I thank Bob Chang, Sumi Cho, Angela Harris, and Robert Westley for valuable feedback that improved the final version of this essay; Jerome Culp for superb editing; and Angela Harris and Jerome Culp for an enriching collaboration on every facet of this project. All defects are mine.

1. Though it is not susceptible of any one definition, Critical Race Theory has been described as the genre of critical legal scholarship that “focuses on the relationship between law and racial subordination in American society.” Kimberlé Crenshaw, *A Black Feminist Critique of Antidiscrimination Law and Politics*, in *THE POLITICS OF LAW: A PROGRESSIVE CRITIQUE* 195, 213 n.7 (David Kairys ed., 1990). See Angela P. Harris, *Foreword—The Jurisprudence of Reconstruction*, 82 *CAL. L. REV.* 741, 741-44 (1994). Two recently released book anthologies provide good compilations of the literature. See, e.g., *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado ed., 1995) (collecting works that detail the evolution of Critical Race Theory); *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* (Kimberlé Crenshaw et al. eds., 1995) (compiling various writings that have contributed to Critical Race Theory). Even though CRT in fact is a “movement” that comprises many voices and viewpoints, I discuss it as a collectivity in this essay for the sake of simplicity.

conditions necessary to the attainment of substantive security by outsider communities.

By “substantive security,” I mean specifically outgroup attainment of safe, secure, and continuous access to the basic rights, goods, and services that are substantially necessary to human well-being. More doctrinally, and perhaps somewhat simply, I mean by “substantive security” the overall state of affairs that is possible only after outgroups *qua* outgroups finally accrue and enjoy the “three generations” of civil and political, economic, social and cultural, and group rights that international covenants already recognize and promise to us all.<sup>2</sup> Although the international human rights regime leaves much to be desired, it provides a formal point of departure for postsubordination vision.

Postsubordination vision grounded in substantive security thus conjures a time and place wherein people of color, women, sexual minorities, and other traditionally subordinated groups no longer are the targets of social disdain, hate crime, and backlash democracy.<sup>3</sup> It imagines a society wherein these traditionally marginalized populations are well represented in popular culture, Congress, and the corridors of the corporate world. It describes a nation of peaceably and multiply diverse playgrounds, schools, workplaces, neighborhoods, and governments. It demands the restructuring of social, legal, and economic conditions to eradicate the systematic imposition of poverty, violence, and exploitation based on racism, sexism, xenophobia, homophobia, and similar ideologies of prejudice and repression.

By offering postsubordination vision as jurisprudential method, this essay also strives to recast extant sameness/difference questions as relevant, but not threshold or conclusive, determinants of the possibility for critical coalitions as vehicles of social justice and substantive security. By “critical coalitions” I mean “alliances based on a thoughtful and reciprocal interest in the goal(s) or purpose(s)” of a collaborative and collective project.<sup>4</sup> Critical coalitions signify intergroup collabo-

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2. For a succinct critical primer, see Natsu Taylor Saito, *Beyond Civil Rights: Considering “Third Generation” International Human Rights Law in the United States*, 28 U. MIAMI INTER-AM. L. REV. 387, 392-95 (1996-97). This interconnection of the “domestic” and the “international” has prompted calls for outsider jurisprudence to synthesize “civil” and “human” rights in the United States. See Berta Esperanza Hernández-Truyol, *Building Bridges: Bringing International Human Rights Home*, 9 LA RAZA L.J. 69, 69-78 (1996).

3. See Francisco Valdes, *Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidimensionality and Responsibility in Social Justice Scholarship*, 75 DENV. U. L. REV. 1409, 1426-43 (1998) [hereinafter Valdes, *Beyond Sexual Orientation*].

4. Francisco Valdes, *Afterword: Theorizing “OutCrit” Theories, Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265, 1269-70 n.17 (1999) [hereinafter Valdes, *Coalitional Method*]. See also Eric K. Yakamoto

rations grounded explicitly and substantively in joint convictions and mutual commitments rather than in the happenstance of coinciding self-interest. Critical coalitions therefore stand in sharp contrast to the convergence of White-Black group interests that produced yester-years' Civil Rights triumphs.<sup>5</sup> Though this essay obviously is only one step in the longer and larger journey of CRT's second decade toward a postsubordination society, these words aim to make it more likely that our coming work will bring multiply diverse OutCrit scholars closer to a progressive postsubordination era marked by substantive social justice for all.

By "OutCrit" I mean "those scholars that identify and align themselves with outgroups in this country, as well as globally."<sup>6</sup> Therefore, among them are the legal scholars who in recent times have launched CRT, Feminist, Queer, and LatCrit legal discourses, including critical race feminists, Asian American and Native American scholars. But this OutCrit denomination also is a conscious effort to conceptualize and operationalize a mutual and proactive interconnection of the social justice analyses and struggles of varied and overlapping—yet "different"—subordinated groups in the United States and globally. My hope and purpose are that a broader identification among outsider and progressive legal scholars as "OutCrits" will enhance our collective and individual understanding of the needs and goals that must underpin critical exchanges and collaborative projects among and between people of color, sexual minorities, women, and other outgroups. Ideally, this essay's framing and focus around postsubordination vision, substantive security, and critical coalitions will help promote a culture of antisubordination community, convocation, and collaboration among multiply diverse OutCrit legal theorists as a form of antisubordination praxis.

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& Julie A. Su, *Critical Coalitions*, in *CRITICAL RACE THEORY: HISTORIES, CROSSROADS, DIRECTIONS* (Jerome McCristal Culp, Jr. et al. eds., forthcoming 2000).

5. See generally Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980) (suggesting that a convergence of white and Black interests spurred school desegregation); Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61 (1988) (positing that the Cold War provided an incentive for the civil rights movement).

6. OutCrit positionality is framed around the need to confront in collective and coordinated ways the mutually-reinforcing tenets and effects of two sociolegal macro-structures that currently operate both domestically and internationally: Euroheteropatriarchy and neoliberal globalization. For more on this point, see Valdes, *Coalitional Method*, *supra* note 4, at 1270 n.21.

I. POSTSUBORDINATION VISION AS JURISPRUDENTIAL METHOD:  
IDENTITIES, IDEALS, AND IDEAS

The cumulative experience and record of outsider jurisprudence illustrates how CRT, Feminist, Queer, and LatCrit experiments in critical legal theory converge and diverge in numerous significant ways, both substantively and structurally.<sup>7</sup> In different ways and to different degrees, these outsider discourses strive similarly to: represent certain marginalized viewpoints; espouse critical, egalitarian, progressive, and diverse antisubordination projects; accept discursive subjectivity, political consciousness, and social responsibility; recognize postmodernism; favor praxis; and seek community.<sup>8</sup> In addition, these outsider discourses have imagined and alluded to, but have not explicitly described, their vision of a postsubordination order to orient our collective antisubordination work.<sup>9</sup>

The rhetorics and ambitions of outsider scholars indicate that we are striving collectively toward a sociolegal alternative to the Euroheteropatriarchal status quo,<sup>10</sup> which, by definition, must entail some vision of a postsubordination alternative. Yet no such vision has been expressly denoted in CRT or similar outsider venues. Accordingly, among the pending and interrelated queries for all OutCrit scholars and activists are: How does the post-homophobic society appear from today's QueerCrit perspective? . . . How does the post-white supremacy society appear from today's RaceCrit and LatCrit positions? . . . How does the post-patriarchal society appear from today's FemCrit viewpoint? How do these visions overlap? . . . How can legal theory and praxis help to engineer such transformation? Clearly, these questions of vision implicate at the threshold issues of "sameness" and "difference" in outsider jurisprudence.

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7. *See id.* at 1306-22.

8. *See generally* 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).

9. This sense of "vision" is embedded in various works, which collectively manifest an expansive and activist antisubordination purpose regarding both theory and community. *See supra* note 1 and accompanying text. As with CRT and other jurisprudential formations generally, references to a single collective vision necessarily oversimplify the matter. *See supra* note 1. My chief effort here, therefore, is to center vision as method and to urge its antisubordination utility.

10. For a critical discussion of some key elements that help to constitute Euroheteropatriarchy, see Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins*, 8 YALE J.L. & HUMAN. 161, 174-202 (1996) [hereinafter Valdes, *Unpacking Hetero-Patriarchy*].

## II. SAMENESS AND DIFFERENCE: TOWARD CRITICAL COALITIONS

In part to address intergroup issues of perceived or actual sameness and difference, CRT and other OutCrit legal scholars have turned in recent years to a critical and crossdisciplinary re/evaluation of historic group experiences with, and struggles against, varied but similar forms of privilege and prejudice. Focused to date primarily on race and gender, the turn to group experience and struggle arose to help transcend the disabling essentialisms of historical analyses rooted in single-axis conceptions or perceptions of current "identities" and related communities. In linking past and present, this turn to group experience and struggle has helped to bring forth the now-perennial conversation among outgroup scholars about the antisubordination relevance of "sameness" and "difference" in and across various contemporary identity categories.<sup>11</sup>

This focus on experience and struggle is salutary because it helps to historicize current sociolegal or socioeconomic arrangements. This history reminds all OutCrits that today's antisubordination struggles, like yesterday's, are important, regardless of the odds that confront us,<sup>12</sup> because resistance always makes some difference, even if not readily discernible. As process, the dialogue that this turn has brought forth is useful and necessary, in part because it forces legal scholars of all stripes to listen, read, and learn about the varied experiences and struggles of our (putative?) sisters and brothers. Substantively, this sameness/difference dialogue is useful and necessary because it can help to expand our understanding of subordinationist structures and systems, both quantitatively and qualitatively. This dialogue is useful and necessary because mapping difference can help to promote egalitarian pluralism in and through our ongoing struggles for a just social order.

This effort to transcend through the experience and history of struggle the limitations of conventional outgroup identity politics in turn has initiated a tentative, ongoing shift toward substantive justice commitments (and away from essentializing identity markers, like race or

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11. See generally MARTHA MINOW, *MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION AND AMERICAN LAW* (1990) (assessing the law's treatment of differences among people). See also Regina Austin, *Black Women, Sisterhood, and the Difference/Deviance Divide*, 26 *NEW ENG. L. REV.* 877, 878-87 (1992); Martha Albertson Fineman, *Feminist Theory in Law: The Difference It Makes*, 2 *COLUM. J. GENDER & L.* 1, 9-23 (1992); Joan C. Williams, *Dissolving the Sameness/Difference Debate: A Post-Modern Path Beyond Essentialism in Feminist and Critical Race Theory*, 1991 *DUKE L.J.* 296, 300-23.

12. For powerful invocations of experience and struggle as key bases of CRT projects, see Harris, *supra* note 1, at 745-85; Charles R. Lawrence, III, *Foreword—Race, Multiculturalism, and the Jurisprudence of Transformation*, 47 *STAN. L. REV.* 819, 835 (1995).

gender) as platforms for antisubordination communities and critical coalitions. Producing calls to move from “essential” to “political” identities and interests,<sup>13</sup> this shift challenges the parameters and purposes of pre-existing outsider jurisprudential formations, including CRT. This shift honors CRT’s commitment to postmodern multidimensional analyses of injustice and concentrates CRT’s political pragmatism on actual social transformation. This shift and call are valuable because they can help animate crossgroup affinities in the service of antiessentialist community and antisubordination solidarity.

In fact, some of the foundational insights produced during CRT’s first decade are associated with this exploration of sameness and difference. Concepts like intersectionality, multiplicity, antiessentialism, and multiple consciousness arise from issues of sameness and difference in critical legal analysis, antisubordination discourse, and contemporary identity politics.<sup>14</sup> These concepts have provided strong foundations, helping CRT and other OutCrit scholars to elucidate multidimensional analyses that foster interconnection of antisubordination insights and projects.<sup>15</sup> Thus, this turn to outgroup experience and struggle no doubt has helped to illuminate important issues and mediate some sameness/difference tensions. Indeed, this potential utility explains why OutCrit scholars must continue to learn lessons from self-critical assessments of our collective jurisprudential experience.<sup>16</sup>

But, the focus on experience and struggle in effect has asked: How can outsider scholars join forces and share consciousness now due mainly to our historic experiences with and struggles against past and/or present oppression? With this historical focus, CRT and other OutCrit scholars basically have queried how experience and struggle

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13. See, e.g., Robert S. Chang, *The End of Innocence or Politics After the Fall of the Essential Subject*, 45 AM. U. L. REV. 687 (1996) (calling for political identities in order to move beyond the difference divide).

14. For readings on these and similar concepts, see Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1245-99 (1991); Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139, 141-67; Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585-616 (1990); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN’S RTS. L. REP. 7, 7-10 (1989).

15. See Berta Esperanza Hernández-Truyol, *Building Bridges—Latinas and Latinos at the Crossroads: Realities, Rhetoric and Replacement*, 25 COLUM. HUM. RTS. L. REV. 369, 429-33 (1994); Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Antiracist Politics*, 47 BUFF. L. REV. 1, 9-113 (1999); Francisco Valdes, *Queer Margins, Queer Ethics: A Call to Account for Race and Ethnicity in the Law, Theory and Politics of Sexual Orientation*, 48 HASTINGS L.J. 1293, 1315-18 (1997); see also *infra* note 17.

16. For one effort, see Valdes, *Coalitional Method*, *supra* note 4, at 1306-22.

around the structure of victimhood can bring together varied groups or persons. Analytically, this focus calls for resolution of sameness/difference issues to help decide whether OutCrit experiences and struggles are sufficiently the “same” or “different” to justify or not collaborative antisubordination exertions. In part because this inquiry is necessarily backward-focused, this approach inadvertently has invited the inconclusive sameness/difference debates along various identity axes.

Though this discourse usefully has reminded critical legal theorists that outgroup commonality cannot be assumed or claimed cavalierly in antisubordination analyses, this debate must be understood as ultimately limited. One limitation comes about because this approach tends to isolate and highlight for comparison’s sake single-axis identity markers, like “gender” versus “race” versus “sexual orientation.” This comparison in effect questions whether the histories and positions of “women” and “people of color” and “sexual minorities” are the “same” or “different.” Given this framing, they, of course, always will be “different” in various and sundry respects. Ironically, the net effect of single-axis categorical comparison to delineate “sameness” and “difference” may be to recycle various essentialisms within outsider discourse and praxis based on these and similar identity constructs.

Additionally, and perhaps more importantly, this focus necessarily looks to past and/or present circumstances as the principal fountainhead of coalitional possibilities. While antisubordination criticality requires us collectively to learn from the past, the danger with this approach is in permitting sameness/difference “dilemmas” to become a comparative quagmire or to instill a sense of impasse. If so, this historical focus ultimately cannot satisfy OutCrits’ need for expansive multidimensional analyses that recognize the holistic, cosynthetic, and interconnected character of subordination<sup>17</sup> analyses that can provide strong but flexible frames for critical coalitions capable of dismantling Euroheteropatriarchy in law and society and delivering substantive security to the traditionally subordinated among us.

If outsider scholars are serious about using critical legal theory to catalyze social transformation, this potentially powerful dialogue

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17. For readings on these concepts, see, for example, e. christi cunningham, *The Rise of Identity Politics I: The Myth of the Protected Class in Title VII Disparate Treatment Cases*, 30 U. CONN. L. REV. 441 (1998) (on wholism); 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 Interconnectivities*, 5 S. CAL. REV. L. & WOMEN’S STUD. 25 (1995) (on interconnectivity).

about identity and dis/continuity cannot become an impediment to, nor a substitution for, acts of solidarity through theory in the service of antistatist community and action. Depending on its use, this dialogue can be, but is neither automatically nor always, a form of progressive or effective jurisprudential method. Thus, sameness/difference dialogue is empowering *only* if deployed to ensure substantive security for the socially and/or legally subordinated.

### III. POSTSUBORDINATION VISION AND EUROHETEROPATRIARCHY: SUBSTANTIVE SECURITY FOR ALL

Postsubordination vision expands the prevailing focus of OutCrit inquiry beyond experience and struggle to include aspiration and hope<sup>18</sup> as another way of approaching and assessing the efficacy and design of critical coalitions. But this method also can help OutCrit scholars begin to delineate as concretely as possible the substance of critical coalitions grounded in the pursuit of substantive security for all. Postsubordination vision can help to provide the principles and purposes of intergroup cooperation and coalescence. And, by providing a fundamentally different point of entry for coalitional enterprise, vision as method may activate political analyses and dynamics that may aid intergroup collaboration where history and experience might not.

This expanded, forward-looking focus asks: While keeping mindful of where we have been, where do we want to go? . . . Have we arrived at similar conclusions and aspirations even though we may have traveled different routes to these conclusions and aspirations? Though our perceptions, priorities, hopes, and aims partially may be shaped by past and present circumstances, this expanded focus provides a different entry point toward critical coalitions because it asks OutCrits a different question: whether we can join forces now due to the principles and aspirations that we harbor and perhaps share. This focus thus asks not whether OutCrit scholars and outgroup communities can travel together based first and foremost on present or past positions, but whether overlapping yet distinct outgroups can work together to arrive at a common destination based on shared goals.

Rather than prompting outsiders to determine whether our past and present are sufficiently alike to create a common path toward social justice and substantive security, postsubordination vision prompts us to determine first and foremost whether our destination coordinates are compatible—whether our critical conceptions of substantive social

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18. For a discussion of hope and law in another context, see Jennifer Gerarda Brown, *The Role of Hope in Negotiations*, 44 UCLA L. REV. 1661, 1665-86 (1997).

justice match, or can be made to. By shifting the focus to goals, agendas, and projects, postsubordination vision may help coalition-building where backward-looking assessments of sameness and difference may not. By emphasizing a forward-looking basis for intergroup coalescence toward substantive security, the shift from victimhood to vision can advance mutual recognition and accommodation of dis/continuities within and across multiply diverse outgroups. Postsubordination vision, therefore, is best viewed as a complement to, not a substitute for, constructive and progressive sameness/difference dialogue.

Postsubordination vision also may be useful as OutCrit method because it sometimes is helpful to begin a project by first envisioning as concretely as possible where one wants to be at its end, and then to work back from that vision to plan the journey. And it sometimes is useful to imagine and spell out for one's self (and others) not only what the project is "against" but also what it is "for." This utility is magnified when the project or journey is long, controversial, complex, or arduous. Because coalitional antisubordination projects and journeys are each of these, and more, critical legal scholars from varied subject positions constructively can begin coalitional OutCrit theorizing by imagining and articulating the substantive end-goal of our respective yet collective antisubordination activities and communities.

The move to progressive postsubordination vision thereby may occasion another possibility for theoretical and political advancement: postsubordination vision pushes for the continual linkage of identities to ideas and ideals, and supports the move from reactive to proactive antisubordination theory and praxis. Plainly, the attainment of a postsubordination society requires RaceCrits, FemCrits, QueerCrits, LatCrits, and other "crits" to expose and dismantle entrenched rules, structures, and conditions that breed injustice and inequality. But the composition of postsubordination vision goes beyond critique, beyond unpacking and deconstructing. Postsubordination discourse entails a positive articulation of substantive visions about reconstructed social relations and legal fields. By focusing attention on the specific sociolegal character of a postsubordination era, this move encourages identity critiques to go beyond oppositional criticism and to set forth the alternative(s) to the status quo that motivate our work.

Postsubordination vision as jurisprudential method, therefore, calls for some hard-thinking and honest-talking about the type of postsubordination society that "we" are struggling toward. This concreteness might reveal differences of vision and produce conflict, as our collective record of comparative jurisprudential experience already il-

lustrates.<sup>19</sup> But, as ongoing outsider experiments in critical legal theory also illustrate, this engagement is precisely the crucible that forges progress.<sup>20</sup> To transcend as well as test the limits of past injustices and present practices, antistatutory theory and praxis must in part be organized around the need to join other and varied OutCrit scholars in imaginative and productive ways to successfully articulate, and materially produce, a postsubordination order that actually delivers substantive social justice across the many troubled categories of life and hope that law and policy daily affect.<sup>21</sup>

Postsubordination vision as jurisprudential method thus calls for OutCrit scholars to focus on an omnipresent sociolegal formation that appropriately might be called "Euroheteropatriarchy."<sup>22</sup> This term signifies the commingling and conflation of various supremacies: white supremacy, Anglo supremacy, male supremacy, and straight supremacy. This term, therefore, seeks to capture the interlocking operation of dominant forms of racism, ethnocentrism, androsexism, and heterocentrism—all of which operate in tandem in the United States and beyond it to produce identity hierarchies that subordinate people of color, women, and sexual minorities in different yet similar and familiar ways.

In this way, Euroheteropatriarchy also encompasses issues of language, religion, and other features of "culture" and community that help to produce and sustain hierarchical social and legal relations.<sup>23</sup>

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19. See, e.g., Valdes, *Coalitional Method*, *supra* note 4 (discussing issues that divide larger Outgroup communities); Elizabeth M. Iglesias & Francisco Valdes, *Afterword—Religion, Gender, Sexuality, Race and Class in Coalitional Theory: A Critical and Self-Critical Analysis of LatCrit Social Justice Agendas*, 19 UCLA CHICANO-LATINO L. REV. 503 (1998) [hereinafter Iglesias & Valdes, *Critical and Self-Critical Analysis*] (acknowledging the differences in the interpretive processes as they relate to subordination theory).

20. See generally Elizabeth M. Iglesias, *Foreword—Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575 (1999) (noting that the discussion of controversial and diverse LatCrit topics can advance intellectual development).

21. Antistatutory theory and praxis also has to be organized around recognition and amelioration of intergroup injustice among outsiders. See Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post Civil Rights America*, 95 MICH. L. REV. 821, 866-900 (1997); Eric K. Yamamoto, *Rethinking Alliances: Agency, Responsibility and Interracial Justice*, 3 UCLA ASIAN PAC. AM. L.J. 33, 33-74 (1995).

22. For elaboration of this term, see Valdes, *Unpacking Hetero-Patriarchy*, *supra* note 10, at 164-211.

23. In recent years LatCrit theorists have delved into these areas. See, e.g., Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997); Symposium, *Difference, Solidarity and Law: Building Latina/o Communities Through LatCrit Theory*, 19 UCLA CHICANO-LATINO L. REV. 1 (1998); Colloquium, *Representing Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. 1 (1996); Colloquium, *International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997); Symposium, *Comparative Latinas/os: Identity, Law and Policy in LatCrit The-*

Euroheteropatriarchy therefore denotes a specific form of subordination in a specific context, which encompasses and enforces white racism and Anglo ethnocentrism, as well as androsexism and heterosexism, normatively, politically, and legally. Precisely because Euroheteropatriarchy is a system of interlocking rules, traditions, and structures that jointly legitimate and perpetuate today's sociolegal status quo, its dismantlement is a prerequisite common to the postsubordination hopes and visions of all OutCrits and outgroups.

Only through this dismantlement of Euroheteropatriarchy will society be ready to restructure itself substantively, and be able to embrace transformative policies and practices to secure social justice for "people of color," "women," "sexual minorities," and other overlapping outgroups. Only after Euroheteropatriarchy's dismantlement is a postsubordination order possible because Euroheteropatriarchy, by definition, demands and imposes unjust hierarchies based on race/ethnicity, sex/gender, sexuality/sexual orientation, and other identity fault lines. Only then will this nation's traditionally subordinated outgroups move in significant numbers and in structural ways from the neglected and impoverished margins of law and society created for us by Euroheteropatriarchal elites, and toward the realization of substantive security for all regardless of race, ethnicity, gender, sexuality, class, and other target identities.

But to get from here to there—to get from oppressive Euroheteropatriarchal realities to egalitarian postsubordination ideals—OutCrit scholars must help to foster a difference-friendly approach to social and legal relations. We must use the gains achieved through sameness/difference dialogue not only to map historic or current sources of difference and learn antisubordination lessons from that effort, but also to bring into existence a culture of affinity and understanding among us in relationship to the past and present, as represented by the dominance of Euroheteropatriarchal imperatives, as well as in relationship to the future, as represented by the postsubordination visions and goals we articulate. By focusing on Euroheteropatriarchy as an integrated phenomena or formation, and by underscoring the interconnectivity of the myriad oppressions that it represents historically and presently, an OutCrit lesson of central importance to the cultiva-

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ory, 53 U. MIAMI L. REV. 575 (1999); Symposium, *Establishing New Centers: LatCrit Theory and Marginal Intersections*, 32 U.C. DAVIS L. REV. 513 (1999). These publications correspond to the LatCrit colloquia and conferences held in various locales since LatCrit theory's inception in 1995. In addition to these conference-based publications, one independent symposium also has been published. See Symposium, *LatCrit Theory: Latinas/os and the Law*, 85 CAL. L. REV. 1087 (1997) and 10 LA RAZA L.J. 1 (1998).

tion of critical coalitions and to the attainment of substantive security comes to the fore: Euroheteropatriarchy produces and polices the lines between ingroups and outgroups; although in different ways, all outgroups are defined by and in relation to Euroheteropatriarchy. Outcrits must recognize this structural and substantive fact. We must embrace and marshal the enduring fact of human difference and diversity to strengthen, and not only question, antisubordination collaboration.

To that end, the vision I pursue here and elsewhere is a society where “difference” is not only tolerated and accepted but cultivated and celebrated, a society where legal principles and cultural practices accommodate and affirm, rather than burden or disdain, the public performance of difference across multiple axes of social and legal personhood. Rather than utopian, this vision seeks to reclaim and apply the demand for human agency and dignity proclaimed stirringly at the founding of this nation, but betrayed since then by the many acts of *de jure* or *de facto* domination and exploitation that have wracked the nation’s soul, and that still do.<sup>24</sup> Thus, for legal scholars of whatever affiliation willing to share and toil for this progressive postsubordination vision, the pressing question is: How do we help to theorize and materialize this vision of a multiply diverse and socially just inter/national community?

The means are several, if not numerous, as suggested both by the gains and limits of CRT’s first decade: CRT, and outsider jurisprudence more generally, teaches that OutCrits must move beyond single-axis projects, we must rise above essentialist habits, we must blend theory with practice, we must come together periodically for intellectual and human sustenance, we must engage in careful but caring self-critique, and we must remain dedicated to pushing beyond hard-fought gains, despite daunting limits.<sup>25</sup> Yet, another concrete and immediate step toward our collective creation of an egalitarian postsubordination culture is our proactive nurturing of critical coalitions among all OutCrit scholars and throughout our larger communities.

By and through critical coalitions, OutCrits can dedicate ourselves jointly not only to the dismantlement of Euroheteropatriarchy as an interlocking scheme that (still) oppresses us all, even if differently, but also to the process of learning about both the continuities and discontinuities of our multiple identities. Critical coalitions can help bring

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24. Cultural war is the latest and ongoing outcome of this history. See Valdes, *Beyond Sexual Orientation*, *supra* note 3, at 1426-43.

25. See generally Iglesias & Valdes, *Critical and Self-Critical Analysis*, *supra* note 19 (emphasizing the need to advance LatCrit theory by continuing to pursue new methodologies).

together OutCrits who identify principally with “different” communities or struggles in a process of convocation, exchange, accommodation, and collaboration that can aid us mutually to learn both about the histories of struggles as well as the substance of visions. Indeed, through convocation and communication, critical coalitions can help OutCrits not only to learn about experience and aspiration but also about the antisubordination insights of “different” perspectives as applied critically to varying sociolegal contexts. Critical coalitions thereby can help us to map the interconnections of the particular with the universal within and throughout Euroheteropatriarchy, helping us collaboratively and perhaps synergistically to theorize, strategize, and realize the establishment of a postsubordination society.<sup>26</sup>

By bringing us together in antisubordination criticality and discourse, this type of coalition can help multiply diverse OutCrit scholars and outgroup communities to understand and accept the differences that both define and delineate our respective yet multiple positions, perspectives, experiences, and identities. By bringing us together in a critical yet collaborative setting, critical coalitions can help all OutCrits to better see the interconnection of “different” oppressions. Critical coalitions thereby can be the vehicles that enable us to learn from and reinforce various antisubordination drives, to celebrate and activate “difference” as a source of insight, accommodation, and collaboration. Critical coalitions in this way can help to transport us to a postsubordination order under which all outgroups can claim and enjoy the fruits of substantive security.

Even while helping to map and marshal “difference” as antisubordination praxis, critical coalitions also can help bring into sharp relief a crucial and often neglected link in CRT’s array of insights: to get there from here, every one of us must own the struggle against white and Anglo supremacies, as well as against male and straight supremacies. In time, and ideally, critical coalitions can help us all to see that, to realize a progressive vision of social justice for all, I personally must resist oppression in all its permutations and on multiple fronts and levels at once; I personally must resist a single-axis conflation of identity, conviction, and community. And so must you. And so must every OutCrit committed to social justice for all persons and groups.

Consequently, and in conjunction with critical coalitions, progressive vision can help to bring into sharp relief the relational and interdependent present operation of “different” histories, identities, and

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26. *See id.* at 555-61.

hierarchies, highlighting the importance of *practicing* intersectionality, multiplicity, interconnectivity, and multidimensionality in consistent and expansive ways to produce antiessentialist communities and antisubordination coalitions. Critical coalitions supported by post-subordination vision may generate an intergroup “blueprint” of sorts that espouses and pursues social justice and substantive security for all. Vision as method thereby can help outsider scholars to join forces and synergistically build OutCrit solidarity around outgroup struggles that otherwise we might not appreciate as personal—or, at minimum, as linked to our own. Over time, vision as method can help to place a premium on a widescale recognition that all of us *personally* must own the struggles against *all* forms of unjust privilege—a premium that over time can help to address and overcome the lingering effects of CRT’s historic ambivalence toward multidimensional antisubordination collaboration.<sup>27</sup>

This personal commitment to and expansive vision of post-subordination life is the touchstone of OutCrit positionality, as well as the baseline of critical coalitions devoted to substantive security for all. Our common and everyday project must be “fighting for a world where we *all* have seats at the table.”<sup>28</sup> By using vision to animate critical coalitions and unite antisubordination projects, this forward-looking approach can help to ground, consolidate, and advance antisubordination theory and praxis.

Progressive postsubordination vision can help OutCrits imagine and animate critical coalitions by underscoring how “different” forms of hegemony or supremacy may combine to produce mutually reinforcing vectors of oppression that mutate in myriad ways time and again to oppose or co-opt any effort toward material transformation on any single front. In this way, postsubordination vision may help to interconnect the historic quests for substantive security that many OutCrits and outgroups continue today still to pursue. If OutCrit scholars practice critical legal theory in this way, and if we do so responsibly, insistently, collectively, and mutually, our respective and shared visions of a progressive postsubordination order just may help bring us together during CRT’s second decade to build a common table of justice, dignity, and prosperity for all.

#### CONCLUSION

CRT, like outsider jurisprudence generally, is a product of its time and context. But times and contexts always change. So must jurispru-

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27. See Valdes, *Coalitional Method*, *supra* note 4, at 1274-1322.

28. Lawrence, *supra* note 12, at 835 (emphasis added).

dential movements that, like CRT, are in search of substantive social justice. As we mark and celebrate the Tenth Anniversary, we must theorize and retheorize CRT in both structure and substance as the pre-eminent genre of OutCrit jurisprudence to ensure that CRT's first decade also will not be its best. Ensuring a second decade of ever-greater relevance and potency is the challenge that awaits us all.

To help meet this challenge, this essay urges outsider scholars to embrace "OutCrit" identification and articulate postsubordination vision as part of the larger antsubordination project that CRT has helped to pioneer during the past decade. As OutCrits, we can take up the serious business of defining and committing ourselves to an egalitarian vision of a postsubordination society, an undertaking that effectively requires all OutCrits personally to embrace the struggle against all forms of oppression under today's Euroheteropatriarchal status quo. By expanding the focus of outgroup coalitions beyond sameness/difference issues with forward-looking assessments of hopes and aspirations, postsubordination vision as jurisprudential method can help OutCrits to organize critical coalitions chiefly around the progressive principles and policies that will ensure social justice and substantive security for all.

