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FOREWORD CLASSCRITS 8: NEW SPACES FOR COLLABORATION AND CONTEMPLATION

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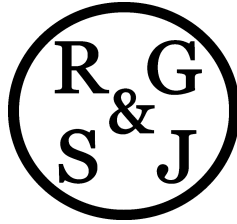
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Cover Page Footnote

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FOREWORD
**CLASSCRITS 8: NEW SPACES FOR COLLABORATION AND
CONTEMPLATION**

Wendy A. Bach & Lucy Jewel*

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I. INTRODUCTION

“Emerging Coalitions: Challenging the Structures of Inequality” was the title of the eighth ClassCrits conference which took place on October 23-24, 2015, at the University of Tennessee College of Law. The Southwestern Law Review and the Tennessee Journal of Race, Gender, and Social Justice have graciously agreed to publish selected papers presented at the conference. In this foreword, we take a moment to critically reflect on the conference, its theme, and the papers published in these two symposium issues.

ClassCrits is a collection of progressive scholars and activists committed to a critical analysis of law, economics, and inequality. Emerging out of two workshops held at SUNY Buffalo Law School in 2007, the ClassCrits name encompasses two interrelated goals.¹ The “crits” suffix was selected to align the movement with other groups engaged in a critical analysis of the law, such as critical race theorists (“race-crits”), feminist theorists (“fem-crits”), LGBT theorists (“queer-crits”), or “just plain ‘crits.’”² Second, the focus on “class” was meant to signal an interdisciplinary approach to the economic analysis of the law, one that would function as an alternative to traditional “law &

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¹ Angela Harris, *From Precarity to Positive Freedom: ClassCrits at Seven*, 44 SW. L. REV. 621-22 (2015).

² *Id.* (citing Tayyab Mahmud, Athena Mutua & Francisco Valdes, *LatCrit Praxis @ XX: Toward Equal Justice in Law, Education and Society*, 90 CHI-KENT L. REV. 361, 402 (2015)).

economics” approaches.³ Specifically, ClassCrits aims to unmask the role that class and institutionalized inequality play in organizing economic relations that have previously been touted, under a neoclassical approach, as neutral.⁴ ClassCrits scholars also take an intersectional approach to its analysis, understanding that economic inequality cannot simply be explained in terms of economic wealth. Although “‘class’ is not a more fundamental category than identity categories like race, gender, and sexuality, [it] is thoroughly entangled with them.”⁵

With eight conferences under its belt, ClassCrits has grown into a vibrant community of scholars who have produced a wide array of projects and publications that robustly engage with these themes. What follows next is a description of the processes that went into the eighth conference as well as some self-reflection on the means we took to achieve the goals of the conference.

II. CLASSCRITS EIGHT

When the conference planning committee convened to brainstorm ideas for the eighth ClassCrits conference, the country was in a constant state of mourning as we witnessed the shooting deaths of Mike Brown, Eric Garner, Tamir Rice, and other young black men at the hands of the police. Amid all this darkness, however, we saw wellsprings of new protest movements. The Black Lives Matter movement began to successfully broadcast its powerful message. The Fight for Fifteen labor movement successfully engaged retail and fast food workers across the country. Some of these movements began working together; retail and fast food workers in the Fight for Fifteen movement wore “I Can’t Breathe” shirts and chanted, “Hands up, don’t shoot.”

In the call for papers, we highlighted the seemingly incessant shootings of black men and women by the police and the other forms of pervasive violence that were dominating our thoughts and the enormous and seemingly new power of coalitional social movements in response. At the heart of the call were the words of Reverend Barber, the extraordinary leader of the North Carolina Moral Mondays

³ *Id.* (citing Athena Mutua, *Introducing ClassCrits: From Class Blindness to a Critical Legal Analysis of Economic Inequality*, 56 *BUFF. L. REV.* 859, 859-61 (2008) [hereinafter Mutua, *Introducing ClassCrits*]).

⁴ The neutral concept of “the market” is one example of an economic relation that is arguably structured based on pre-existing inequalities. See Mutua, *Introducing ClassCrits*, *supra* note 3, at 862.

⁵ Harris, *supra* note 1, at 622-23.

movement: “We recognize that the intersectionality of all these movements is our opportunity to fundamentally redirect America.” So we entered the planning of this conference stunned, both by the severity of the violence around us and the seeming strength of communities arising in coalition. We also entered it hopeful that we could learn from this moment and come out of the conversation smarter about how coalitions are functioning today and how we might play some role in realizing Barber’s vision.

Inspired by these emerging coalitions, we decided our conference theme would focus on collaborative approaches to combatting injustice and inequality. Our goal was to create something different from the standard academic conference that usually functions as an echo chamber in which professors talk with fellow professors. In our minds, we had to create a space where legal scholars could interact with lawyers and activists from various communities to discuss novel ways to ignite progressive social change. Our goal was to create a new space for thought and action.

The execution of this task, above all else, simultaneously revealed our organizational failings and the enormous power that comes from acknowledging one’s own mistakes. As is the way of ClassCrits, we started with, as we noted before, a call for papers circulated primarily among academics. We collectively drafted the call for papers, conferring with each other on conference calls and drafting the language that referenced the social movements and the energy we hoped to capture at our conference. We used typical but erudite academic language, proudly proclaiming our focus on “coalitional praxis.” We included notice of the standard academic conference fee of \$100 in the call for papers. Then, we posted the call and started to publicize the conference. This was our mistake, and in retrospect, there is no question that we should have known better. How precisely were we thinking we could engage in a conversation about grassroots coalitional movements by soliciting academic papers from academics in traditional academic ways? This mistake highlighted the privilege that we enjoy as academics: privilege that obstructs our ability to engage with the people and communities around us. We erred in taking such a top-down approach.

In soliciting papers and panels, we did shift our focus and targeted, for example, clinicians who engage with activist groups as a part of their pedagogy. Overall, however, our process was not particularly affected by our goals. Despite our collective (and perhaps now suspect) left credentials, we did not give that a lot of initial thought. That was how we had always done things, so that is what we did. And as the paper and panel proposals rolled in, our collective

stupidity slammed us in the face. The papers were, as always, important and advanced the ClassCrits conversation as it has progressed over the last eight years, but it was not turning out to be a conference about our theme.

We also planned to cast a wide net and invite members of various activist communities in and around Knoxville to join us in the conversation. However, when some of the activists we sought to engage saw the call for papers and read the news of the conference (and its \$100 fee), they drew a reasonable inference that this was yet another conference where elite academics would be talking amongst themselves. Conveyed in an acerbic social media post entitled “this is a good example of what bad community engagement looks like,” the criticism stung deeply but rang true. We had unilaterally “named” our conference theme and its participants without first seeking the active participation of those with whom we wanted to have a dialogue.⁶ It is easy to construct a monologue about inequality and oppression from a place of comfort, monologues which then increase one’s cultural capital as an academic. What is necessary but difficult is exiting the academic box and reaching out to construct a meaningful dialogue. A meaningful dialogue requires a willingness to listen to criticism and the humility to consider how one’s privilege can infect the dynamics of the message.

After some listening, reaching out, and doing a good deal of apologizing, we were able to move forward. As we invited community activists to talk over coffee, called on our allies to convey our apologies, and worked intensively to restructure the conference panels and fee structures, we sought to repair the breach and come a bit closer to the conversation we wanted to have. And we made progress. Activists from various groups accepted our invitation to participate in the conference. The conference featured, among our more traditional panels, panels on activism, coalitional politics, and the Black Lives Matter movement. Across three plenary panels, we heard from activists working in coalition: Ash-Lee Henderson from Concerned Citizens for Justice and Project South; Amelia Parker, Andre Canty, and Coy Kindred from Black Lives Matter Knoxville; Corinne Rovetti and Dana Asbury from Healthy and Free Tennessee, a reproductive rights advocacy organization in Tennessee; Stacey Padilla from Comite de Popular, an organization focused on justice for

⁶ See Lucie E. White, *Goldberg v. Kelly on the Paradox of Lawyering for the Poor*, 56 BROOKLYN L. REV. 861-62 (1990). “The loss of the power to name oneself and one’s reality has been considered . . . to be at the core of the existential experience of subordination.” *Id.* at 861, n.2 (citations omitted).

undocumented immigrants; Jayanni Webster and Jeanina Jenkins from the Fight for Fifteen movement; Cassie Waters from the United Campus Workers, our own union; as well as UCW members Amanda Carr Wilcoxson, Bob Hutton, Tom Anderson, and Lisa East.

We also heard from lawyers supporting movement work on the ground: Nicole C. Lee, the founder of the Washington D.C.-based Black Movement Law Project, and Lauren Bonds, a legal fellow at the Service Employees International Union in Washington, D.C.

Equally importantly, these conversations did not only happen in the front of the room. Local activists came to the conference and engaged in conversation. And we think that it is safe to say that all of this changed our regular dynamic. The room most certainly felt different. Perhaps power had shifted just a little bit. We are not sure the activists learned much, although we think it was interesting for them to have some time together, and for some to meet each other and us, but there is no question that the academics learned. Coalitional movement work today reflects the wisdom of Barber's words. Violence against our communities is intersectional and the leaders that came before us work from that premise. Violence is intersectional and so is the response. Perhaps the most important conversations between this particular coalition—activists, lawyer activists, and academics—came near the end as we discussed what the academic community might do to aid in better supporting movement work. What was clear from that conversation was that we needed to be honest and humble about what we could do and that we needed, as Gerry Lopez long ago counseled,⁷ to be willing to push our own boundaries and be uncomfortable. As a result of the conference, connections were made and, at least for those in Tennessee, we know each other better and are finding ways to support each other's work.

Many months have passed between the writing of the call for papers, the planning and running of the conference, and this moment, in early April, in Tennessee, when we are writing this essay. Since our gathering, the forces of hate have seemingly surrounded us. Legislators in the South, apparently inspired by a newly overtly despicable national politic, have aggressively pursued an agenda attacking the most vulnerable among us. Just as we write this, Tennessee legislators seek to allow therapists to reject LGBT clients⁸ and to force transgender people to use the bathrooms of their sex at

⁷ Gerald P. Lopez, *REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE* (Westview Press 1992).

⁸ Tenn. H.B. 1840.

birth.⁹ Within the last months, we have seen aggressive efforts to increase the criminalization of pregnancy,¹⁰ to target and defund diversity and inclusion efforts on our campus,¹¹ and to declare the Christian Bible the state book of Tennessee.¹² In North Carolina, similar hateful politics abound. Through effective organizing, the left here has won some and lost some, but it is not clear what will come. There is no question that there will be losses. In truth, as we write this, we are exhausted, not so much because we do so much work, but because, increasingly, we see little refuge from hate.

So, in this slightly different political moment, we reflect back on our October conversations and turn to more of the papers generated by the conference, wondering in some ways whether pieces of the path forward can be found there.

We begin with the widest critical lens, which in many senses frames both the conference and the volume. In *The Treadmill and the Contract: A ClassCrits Guide to the Anthropocene*, Angela Harris offers two metaphors and a challenge. The metaphors describe distinct phenomena, but it is their systemic interplay that draws Harris' focus. The challenge she issues to ClassCrits scholars is to take up these metaphors as descriptive of systems of injustice and to "trouble and queer the very terms in which we have been accustomed to think."

To make visceral these initially opaque-seeming terms, Harris opens the article with a scene from *Twelve Years a Slave* in which we see embodied forms of what she will name both the treadmill and the contract. We see the splashing waters of the Mississippi, "caused by the paddlewheel of the steamboat inexorably driving south." This image reveals both the relentless quest for economic progress embodied in the movement of the wheel (the seeds of Harris' treadmill) and the "total institution" of slavery, in which the protagonist "will lose bit by bit, his family, his legal personhood, his freedom of movement, his privacy, his physical and moral integrity, his very name" (the seeds of Harris' contract). In this image, and in her argument, the progress of the paddlewheel depends and is constructed through the legally-sanctioned violence against the protagonist.

If *Twelve Years a Slave* and its deep roots in colonialism is the

⁹ Tenn. H.B. 2414.

¹⁰ Tenn. H.B. 1660.

¹¹ Richard Locker, *House Subcommittee Advances Bill Stripping \$100K from UT Diversity Operations*, KNOXVILLE NEWS SENTINEL, Mar. 15, 2016, <http://www.knoxnews.com/news/local/house-subcommittee-advances-bill-stripping-100k-from-ut-diversity-operations-2e1ea265-c7a1-07f3-e053-372169311.html>.

¹² Tenn. H.B. 0615.

embodiment of the beginning of the Treadmill and the Contract, the Anthropocene is its result. The Anthropocene is a fairly recently coined term for the geological era in which we reside and a name to identify the extraordinary impact of economic growth on our physical world—global warming and mass extinction being only the most obvious of these phenomena. For Harris, the Anthropocene (which she suggests might be more aptly named the Plantationocene) is the result of our collective and virtually unquestionable addiction to economic growth and the social exclusions upon which it relies. All falls in the wake of this relentless, unchallengeable treadmill and “the exclusion of certain human groups from the social contract that has shaped western property and contract rights, as well as human and civil rights.” To respond, we need much more than the “racial rights” that we have been able to secure. Instead, Harris’ critical re-envisioning provides an opening to explore and reveal the relationships and structures supporting modern capital production and systemic economic and racial subordination. This unveiling, or queering, she instructs, is the job of ClassCrits.

In *Countering Neoliberalism and Aligning Solidarities: Rethinking Domestic Violence Advocacy*, Deborah Weissman takes seriously the ClassCrits commitment to widen the lens of advocacy and critical inquiry to include the complexities of neoliberal structures. Like the organizers who spoke at the conference, she rejects the deceptive simplicity of single-issue advocacy that works within the neoliberal status quo in favor of an intersectional, system-focused, and explicitly political vision. She persuasively argues that, by framing domestic violence as solely a problem of patriarchy, isolating itself from the larger movement for economic justice, and focusing on the criminal justice system, the domestic violence movement fails its intended beneficiaries. Ultimately for Weissman, “improved remedies for domestic violence victims lie within the reform of the political economy.”

Weissman’s critique begins with neoliberalism and its relationship to domestic violence programs. As she states, while the domestic violence movement has certainly focused on issues of economic security, “[t]oo often economic justice initiatives designed to mitigate domestic violence have been fitted neatly within neoliberal economics that fail to provide meaningful social change.” For example, while she acknowledges the existence of minimal protections within social welfare programs like TANF or public housing, she describes the ways in which the increasingly punitive, privatized, and scarce nature of programs provide little to no real economic security. She wages a critique on child-support programs that criminalize poor

men and further impoverish “an already economically vulnerable social network.” Further, “[e]conomic justice ‘solutions’ promoted by domestic violence programs that align uncritically with an economy dependent on exploitative labor practices” fail to meet the real needs of their clients.

In contrast to these programs, Weissman offers a different vision—one focused on economic critique and coalitional praxis. She envisions child support programs that do not harm poor families and their communities, government-assured child support, a universal basic income, workforce development programs that show actual “promise of achieving economic well-being,” employment programs that focus on increasing the educational and workplace qualifications of program participants, alliances with unions, and financial literacy programs that focus not only on individual skills, but on the predatory practices of financial institutions. Weissman’s vision is broad, critical, coalitional, and political and provides a strong example of the way an explicitly critical economic frame can both enhance a wide range of issue-based advocacy work and provide a vision for a more robust coalitional politic.

Taking on another crucial piece of realizing the ClassCrits project, in *Developing a Pedagogy of Beneficiary Accountability in the Representation of Social Justice Non-Profit Organizations*, Amber Baylor and Daria Fisher Page pose a crucial pedagogical question for clinics that represent social justice organizations: “how do students understand their moral responsibility to engage and respect the voices of the community most directly affected by the restriction or injustice at the heart of the non-profit organization’s mission”? Baylor and Page’s dilemmas are familiar ones. The clinic serves non-profit organizations with a social justice mission. Although the non-profits that Baylor and Page describe are no doubt universally well-meaning and often effective at what they do, they are not, by and large, run by those directly affected by the policies that the social justice organizations work on. Instead, they are advocacy organizations run in more traditional ways. Like all organizations, they are subject to complex incentives and prioritize their organizational needs and funders’ priorities over those of the community affected. The law students, even those who again mean well, are conditioned both to see themselves as expert and to be comforted by the familiar expertise of those who run the non-profits.

To confront these dynamics, Baylor and Page offer students not the traditional dyad of legal ethics but, instead a triad: Students are responsible both to the organization and to the community the organization purports to serve. They too offer a concept newer to legal education: the vision of beneficiary accountability, which they define

as “a *process* by which beneficiaries participate in the improvement of their situation and organizations manage ‘information both sent to and received from beneficiaries and integrate beneficiary feedback into the decision-making progress of [programs].” True to their clinical roots, Baylor and Page begin with two case examples, one involving a Ban the Box campaign and one involving homeless advocacy. In both cases, students struggled to engage directly with and take direction from the community. In both, there were significant attempts at engagement, but, in the end, the students were not able to sustain the centrality of the community voice.

To make progress on this difficult issue, Baylor and Page review the contributions of legal scholars and then turn to other disciplines: public health, international development, and urban planning. Each discipline offers sophisticated tools for conceptualizing and implementing beneficiary accountability structures. Baylor and Page draw from them for pedagogical structures that might better support students in being more accountable to the targeted beneficiaries of the organization’s work. To give just a few examples, from International Development, Baylor and Page draw on pedagogical models of “Critical Global Citizenship” in which students study the “historical production of knowledge and power” with the goal of destabilizing “‘expert’ hegemonic assumption and [combatting] the marginalization of community voices in development work.” From public health, they draw on deeply democratic classroom strategies that change the power dynamic between teacher and students to create an experience of participation that students might import into their work. Finally, from Urban Planning, the authors draw on explicit pedagogical models designed to ensure substantive participation by affected communities. By drawing together legal scholarship and these interdisciplinary perspectives, Baylor and Page’s article represents a substantial contribution to the pedagogy of legal education and, in particular, to the ClassCrits goal of critically reforming legal education and the role of lawyers in addressing justice issues.

A continuing theme that ran through the conference was that the task of countering injustice, through thought and action, can be a deeply spiritual experience that takes place in a space of healing. Both the papers from Kim Clark and James Wilson touch on this theme. We also contemplated the limits of where theology can take us. David Waggoner compellingly argues that toxic thought structures deriving from medieval Christian theology, which undergird so much of our legal system, allow white supremacy to remain ascendant as an organizing principle in U.S. law and society.

Critical Race Theory, Transformation and Praxis, Kim Clark’s paper, theorizes that engaging with critical race theory can “bring about a spiritual transformation that then provides space to create and innovate new realities for communities seeking social justice.”¹³ One can reach this space by engaging in oppositional cultural practice, a metaphorically cosmic approach that places the individual at the closest possible point to a conflict (in this context, racial conflict).¹⁴ At this point, the resolution of the conflict “will be fully illuminated by the desire to be courageous and creative in finding solutions that bring about human flourishing and wellbeing.”¹⁵ Critical race theory is a powerful vehicle for oppositional cultural practice because of “its pulsing, vibrant life affirming central thought . . . of self-affirmation for people of color to fully bring their lived experiences to their scholarly work of race-conscious criticism of the collective political systems and structures for whom law is their justification and legitimizer.”¹⁶

For Clark, critical race theory provides the space to achieve what theologian Paul Tillich identified as the “courage to be,” a state of affirmation of the self, despite the constant fear of death and other uncertainties that plague all of humankind.¹⁷ Thus, the healing spirituality of critical race theory derives from its substantive content; its core texts presents a,

form of racial standing that is highly subversive in that it moves the discussion of race away from what we know is a social construction to the spiritual discussion of justice, the justice that pledges allegiance to the least of these my brethren and the faces at the bottom of the well.¹⁸

¹³ Kim Clark, *Critical Race Theory, Transformation and Praxis*, 45 SW. L. REV. (2016) (forthcoming Aug. 2016).

¹⁴ Clark’s conception of oppositional cultural practice differs from Professor Derrick Bell’s usage of the term. Clark does not limit her definition to the action of opposing, resisting, or combatting. Rather, Clark views oppositional cultural practice, grounded in critical race theory, as a methodology for bringing about healing and vibrancy. *Id.* at 9-10.

¹⁵ *Id.* at 10.

¹⁶ *Id.* at 6.

¹⁷ *Id.* at 6-7, 21.

¹⁸ *Id.* at 25.

The other way that critical race theory fosters spiritual growth is through engagement with the texts themselves. A devotional use of critical race theory writings (the acts of reading and contemplating) can open up “a space for the experience of what . . . spiritual practitioners identify . . . as integrating one’s critique life experience with the higher value one perceives through one’s active engagement with reducing or eliminating human suffering.”¹⁹ In addition to a devotional approach to critical race theory writings, the doctrine lends itself to spiritual journaling, the act of reflecting, through writing, on social injustice and human suffering.

James Wilson’s paper, *Bridging the Secular-Religious Divide with Assistance from the Buddha*, is part of a larger book that argues that ancient ideas, if they are widely adopted, have the capacity to shift the world in a more progressive direction. Against an apocalyptic backdrop of climate change, deep inequality, and war, Wilson argues that the large-scale collective adoption of Buddhist thought patterns might help save the world. Wilson’s paper posits that Buddhist philosophy rejects many of the deep-seated thought patterns that are responsible for so much of the world’s suffering. For Wilson, a Buddhist approach to thought is not just a way to reduce the stress at the individual level, it also encourages the eradication of “excessive personal greed, hatred, and ignorance [which form] the fundamental ‘unjust structural inequalities’ residing deep within each person that cause so much injury to self and others.”²⁰ Buddhist thought, particularly the concept of the Sangha, “a group of motivated meditators who befriend, support, and educate each other,” is an antidote to the “dangerously atomized West” which is so fixated on individual advancement and economic competition.²¹ Indeed, Buddha’s teachings reject “the neoclassical economic assumptions that happiness is a purely individualized construct.”²²

Wilson recognizes that aspects of Buddhism have been coopted and used by corporations and militaries to foster mindfulness for less than worthy purposes.²³ Although this kind of “amoral” deployment of Buddhist techniques can provide benefits at the individual level, Wilson argues “it is woefully insufficient to resolve our severe

¹⁹ *Id.* at 28-29.

²⁰ James Wilson, *Bridging the Secular-Religious Divide With Assistance from the Buddha*, 45 SW.L. REV. (forthcoming Aug. 2016).

²¹ *Id.* at 32.

²² *Id.* at 40.

²³ *Id.* at 28.

personal, interpersonal, or global difficulties.”²⁴ Despite the faddishness of a superficial adoption of Buddhist practices, like mindfulness in the workplace, Wilson argues that Buddhist practices have the potential to create connections between secular and rational individuals and those individuals who ascribe to a more mystical or spiritual understanding of the world. This bridging can occur in Buddhism, because Buddhism offers both a metaphysical, deeply religious experience as well an experience for skeptical people who prefer more rational and logical thought patterns.²⁵ And, the two experiences are not mutually exclusive. Wilson seems to be arguing that the impulse toward belief in a supernatural higher being, held by many conservative evangelicals, could somehow be redirected toward a Buddhist approach to organizing one’s self and the world. Although Wilson does not describe how this bridging might work on a mass scale, there is an ebullient optimism in the theory that makes it a pleasure to contemplate.

Whereas Kim Clark and James Wilson argue that a spiritual approach to the problems of inequality, arrived at through devotional and meditative practices, has the capacity to transform the world on an individual and collective scale, David Waggoner grapples with theology on a much darker level, unmasking the connections between Christian theology, law, and white supremacy. In his paper, *An Inquiry into White Supremacy, Sovereignty and the Law*, Waggoner fleshes out the syllogisms that undergird Western legal and political reality to show that white supremacy functions as the “linchpin of the organization of life.”²⁶

Waggoner’s first premise derives from the divine authority enjoyed by European colonizers to kill indigenous peoples and seize their land.²⁷ The great enlightenment thinkers—Locke, Hume, Kant, Voltaire, and Mill—whose ideas became the weight bearers for American law and its Constitution, held fast to this racist dichotomy which set Christian European/whites apart from savage non-white “heathens.”²⁸ This dichotomy then bled into Western civilization’s theory of the state, which depends on the reasonable person, who can logically reason and form a social contract to surrender freedom in the

²⁴ *Id.* at 28.

²⁵ *See id.* at 4-11, 16-18.

²⁶ David Waggoner, *An Inquiry into White Supremacy, Sovereignty and the Law*, 45 SW. L. REV. (forthcoming Aug. 2016).

²⁷ *Id.* at 4. Waggoner further writes that “The origin of both Whiteness and the law is God.” *Id.* at 7.

²⁸ *Id.* at 4-6.

state of nature in exchange for state protection.²⁹ The traditional Western theory of the state then requires individuals to leave the state of nature by acquiring private property through individual labor, improving and cultivating the land.³⁰ Waggoner traces how white supremacy became enlaced with how both of these endeavors were conceived. Non-whites were excluded from the category of reasonable persons with the ability to reason and form a social contract.³¹ Moreover, because non-whites were not “people,” their lands could be seized as European colonizers acted to obtain title to lands they conceived as wild and uncultivated.³² This process of conquest and seizure then gave rise to state sovereignty.

In elevating these connections to the surface, Waggoner sustains his argument that white supremacy is the *a priori* condition of state sovereignty. Waggoner then traces the relationship between metaphysical conceptions of race and recurring state sanctioned assaults against persons of color, from slavery to our contemporary militarized police state. Drawing upon the ideas of Giorgio Agambem, Waggoner points out that law and the modern state are founded on an organizing principle that revolves around the action of inclusion (what is white, on the interior) and the action of exclusion (what is black, on the exterior).³³ This logic supports state action that polices and kills what is outside, the non-white body.³⁴ White society must constantly look to people of color for a valorizing comparison. Without people of color functioning as a foil, “[w]hiteness would be nothing.”³⁵ In the law, this translates to the necessity of constructing nearly all people of color as guilty criminals. “If everyone were innocent, the law would be meaningless.”³⁶

In explaining how state sanctioned racial killings have become accepted as the norm by most of the citizenry in the U.S., who fail to discern that what is happening in our streets is murder, Waggoner draws upon Foucault’s concept of biopower.³⁷ With biopower, the state acts in a highly organic and systemic fashion to do violence against non-whites. There is no single top-down despotic action that maintains control and reifies the supremacy of whites. Instead,

²⁹ *Id.* at 3.

³⁰ *Id.* at 3.

³¹ *Id.* at 2-4.

³² Waggoner, *supra* note 26, at 3.

³³ *Id.* at 7.

³⁴ *Id.* at 8, 10.

³⁵ *Id.* at 7.

³⁶ *Id.*

³⁷ *Id.* at 9.

“[e]very mechanism of the law, from the criminal industrial complex to the civil courts, exists to deprive people of color of their lives and property.”³⁸ The role of white supremacy, however, is masked from the citizenry, who are steeped in the rhetoric of law and order and the mission of the police to protect and serve.³⁹

Here, it makes sense that we conclude with Waggoner’s essay, as it bookends with Harris’ contemplation of the Contract, the Treadmill and the Anthropocene. Harris and Waggoner both compellingly argue that the liberal social contract theory of state power is built on a foundation of white supremacy, deadly oppression, and the relentless extraction of resources from our earth. Just as Harris urges ClassCrits scholars to hold a critique of the social contract in hand with a contemplation of the Anthropocene age, Waggoner urges us to both think and act upon alternative narratives of being. Waggoner encourages whites to renounce whiteness, confront white privilege, and give up the sense of safety that has heretofore been the exclusive province of whites. By unabashedly calling out the white supremacy that resides in the deeply embedded thought structures that form the basis of our social and political reality, Waggoner guides us to new but challenging paths of resistance that have the potential to transform. ClassCrits scholars now have exciting new sources for inquiry, theories that might produce progressive counter ontologies or projects that might initiate a dramatic digging up of the entrenched and toxic foundations that continue to replicate the State’s power.

III. CONCLUSION

In reflecting on our eighth conference, we think we succeeded in our mission to explore coalition building and new justice-seeking movements in an alternative and inclusive space with academics, clinicians, organizers, and activists. Throughout both days of the conference, the conversation was rich with emotional, spiritual, and intellectual content. After bearing witness to the mess we caused when we tried to foster these conversations in the traditional top-down academic way, we emerged, as an organization, a bit more self-aware of how our privileged status and protected positions can limit our ability to engage at the ground level. In this manner, a new theme emerged during ClassCrits Eight. It was deeply valuable to have the lens of critique turned on ourselves. And we hope future conference organizers will take these criticisms and lessons to heart.

³⁸ Waggoner, *supra* note 26, at 10.

³⁹ *Id.* at 10-11.

And finally, we saw strong currents of hope emerge out of all the discussion of hate, violence, and oppression. In any critical endeavor, the easy part is the critical discourse. The challenge always lies in identifying concrete remedies that might work to restructure broken systems and dismantle oppressive institutions. While it remains to be seen whether law can ever provide real contributions to the injustice, subordination, and inequality issues that *ClassCrits* tackles on a theoretical level, we have some reason to hope. The visions and work of the activists we heard from are fierce in their truth telling. They emanate the power of collective solidarity that arises when communities stand strong together and refuse to let anyone's reality be marginalized. We saw this power in the conversations we generated, the supportive energy in the room, the papers that were presented, and the resolve we all feel to continue this work.