Introduction

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Introduction

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Greetings Practitioners, Scholars, and Friends,

Our fellow law students often complain that three years is too long to be at law school; flush from summer experiences, our peers return every fall more excited about what they have learned by doing than what they have left to learn. Whether governmental, private, or public, these experiences appear more practical than sitting through another year of law school.

But three years can be too short. That is perhaps the knowledge we have best learned through our work with the Berkeley La Raza Law Journal (the Journal), one of the few law reviews in the United States that addresses Latina/o conditions, communities, and identities. The challenges of selecting, editing, and publishing legal scholarship that impacts the Latino community—both domestically and abroad—have taught us much about the beauty and pain of serving midwife to knowledge.

Yet, more than the specific number of people who have contributed or the amount of time we have spent bringing this issue together, these efforts have cumulatively given us a glimpse at the greater and deeper processes of legal scholarship. Our introduction to this process has been punctuated by important events both in our own lives and the life of the journal—we remember completing our first packets, our first edits, our first articles, and our first issue. Nonetheless, our pride in these specific achievements gains more in appreciation for the process we have gained. Volume 18 waxes in recognition of the 17 volumes that have cut the trail for us, and in hope and expectation of the many volumes that will come after us.

To appreciate this issue as the latest contribution to Latino legal scholarship is inescapable for the many members who have worked on this issue. But our tenure is too short to understand completely the totality of the effort that combined has produced this publication continuously for the past 27 years.

Stories do remain; we know that some years have been thick and some years have been thin. We see this both in terms of the volumes we have published and in terms of our membership. We too have faced challenges during our stewardship of the journal and we have responded accordingly. This year we have reduced our number of issues. Given the demands on our membership, we thought this was the best way to ensure we could continue to publish quality scholarship.

During this time we have also initiated a Berkeley La Raza Law Journal Fellowship. BLRLJ Fellows are promising UC Berkeley undergraduates interested

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in Latino communities and legal studies who work directly with our editorial board. Our fellows have the opportunity to contribute to the production of legal scholarship in order to cultivate further their own understanding of and interest in legal studies and scholarship. Specifically, our fellows learned legal citation skills and helped organize events that brought together legal scholars and community activists in an effort to produce discourse on issues vital to Latino/a communities. We have enjoyed the assistance of our fellows and look forward to enjoying the many benefits that come from our mentoring relationship.

Summary of the Current Issue’s Contents

It is with a sense of accomplishment and recognition that we send out this issue.

The volume consists of ten works. Four of these works are collected from LatCrit XI, the Eleventh Annual LatCrit (Latina and Latino Critical Theory) Conference. The 2006 conference which took place in Las Vegas, Nevada was themed “Working and Living in the Global Playground: Frontstage and Backstage.” While pleasure and consumption take frontstage in Vegas, this façade obscures the exploitation of women and workers happening backstage. This stage also provided an insight into U.S. economic policies that have caused disparities domestically, but also in other parts of the world.

The four articles we have chosen explicate aspects of the Latina/o experience in legal discourse, both domestically and internationally.

Javier Garcia's article, Fighting Biopiracy: The Legislative Protection of Traditional Knowledge, discusses a method to patent traditional knowledge in an effort to compensate adequately traditional knowledge holders in Mexico and around the world. Garcia proposes a domestic legislative framework that countries with traditional knowledge and biodiversity could adopt to prevent the misappropriation of intellectual property rights, while providing incentives for bioprospecting corporations.

The second article, from Berta Esperanza Hernández-Truyol and Mariana Ribeiro, examines Maria Lugones's Work as a Human Rights Idea(). The article analyzes the historical development of the human rights framework through the prism of the work of Maria Lugones focusing on the indivisibility and interdependence model of human rights documents. The article then analyzes how Lugones’ approach to hybridity and “otherness” can be incorporated into this framework.

Steven Ramirez is the author of our third article entitled American Corporate Governance and Globalization. Ramirez compares the trends of globalization with American corporate structures and how the practices of corporate CEO may be shaping the process of globalization in the developing world. Ramirez goes on to argue that current trends in globalization tend to emulate U.S. corporate governance practices, which has led to flawed practices that have stymied development and discouraged government intervention to sustain economies. Thus, short term goals of profit maximization are given primacy over long-term goals of maintaining healthy economies.

Our last piece in this section is by Dariely Rodríguez and is entitled Left
Behind: The Impact of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on Economic, Social, and Racial Justice. Rodriguez examines the history of the Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) signed into legislation by President Bush in 2005. While proponents of the law claimed individuals were frequently abusing the former bankruptcy system, Rodriguez argues that BAPCPA does very little to address underlying social and economic problems that lead ethnic minorities to file for bankruptcy more frequently. Further, Rodriguez claims that BAPCPA will have an extended negative impact on both low income and middle class minority homeowners, which will further exacerbate the racial wealth gap and social inequality.

Included in this volume are also several essays from the Western Historical Association’s 2006 Roundtable Discussion on Comparative Perspectives on Mexican American Citizenship from Law, History, and Cultural Studies. First, Marc Simon Rodriquez provides the foreword: “More the Whiteness: Comparative Perspectives on Mexican American Citizenship from Law and History.” Rodriguez argues that in a country where race relations have been defined by a black-white binary, Mexican Americans’ ambiguous and in-between identity has complicated their racial history. This foreword encapsulates the following five essays that combine diverse viewpoints and theoretical backgrounds to advance legal discourse of Mexican American citizenship.

First, Shana Bernstein’s essay, From California to the Nation: Rethinking the History of 20th Century U.S. Civil Rights Struggles through a Mexican American and Multiracial Lens, examines the work done by the Community Service Organization (CSO) and explores the work of a number of Mexican American elites who worked towards a broad array of civil rights. In Citizens, Stakeholders, and Civil Rights, Craig Kaplowitz examines the history of League of United Latin American Citizens (LULAC), its changing platform, and how it framed its struggle in terms of citizenship, committing itself to fighting for the rights of Latinos that were U.S. citizens. Guadalupe Luna’s Chasing Treaty Promises discusses the failures of the U.S. government to abide by the provisions of the Treaty of Guadalupe Hidalgo, and the role of conquest in establishing racialized relationships between Anglos and Mexicans in the Southwestern United States. In her essay The Civil Rights Act and the Transformation of Mexican American Identity and Politics, Nancy MacLean looks at the Civil Rights Act of 1964 and the role this legislation played in the path Mexican American activists would take in terms of identity and politics in the 1960s. Finally, Tom Romero argues in his essay MALDEF and the Legal Investment in a Multi-colored America that Mexican American Legal Defense Fund (MALDEF) utilized a legal strategy that unmade whiteness for Mexican Americans and constructed a brown identity in the course of legal battles during the 1960s and 1970s.

Together, these pieces are the most recent iteration of our journal’s commitment to publish the legal scholarship by and for Latinos and, or of interest to Latino communities. Accordingly, we hope that these pieces will enrich academic scholarship by raising awareness and promoting meaningful change. We are humbled to be part of the Journal and to continue this important tradition.