Cluster Introduction: Economic Crises from the Bottom Up--(In) Securities of Silencing a Racial Past and Present

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I. INTRODUCTION

The papers in this cluster illuminate how the traditional narratives on global or national economic crises often silence or overlook issues of racial exclusion, in relation to those events. While national and global economies struggle with falling currencies, institutional breakdown, unemployment, contagion and their consequential “newsworthy” anxieties, populations of color and other subordinated identities must confront not only these realities but also the legal and political histories which effectively place them in disadvantaged situations during these crises. Shaping political and legal resolutions, these challenges occur “from the bottom up” as opposed to from some state or politically sponsored engagement. What is left is the mindset to “fend for oneself.” With this action from below, this acts as resistance and colors our current and past crises.

In this introduction, I highlight two points: 1) how the papers included show “silenced” racial pasts and presents, along with the significance of this silencing in local and global contexts, and 2) how each paper identifies this silence in both substantive and methodological terms. As such, by shedding light on how race, gender, and empire operate as precise tools of subordination, creating insecurity for populations of color and subordinated identities during crises, these papers contribute to LatCrit theory and, in particular, LatCrit XV’s theme of “The Color of the Economic Crises: Exploring the Downturn from the Bottom Up.”

This cluster is titled “Economic Crises from the Bottom Up: (in)Securities of Silencing a Racial Past and Present” to highlight how subordinated populations are particularly disenfranchised from legal and political remedies during times of crises. The authors discuss how cross-border relations, whether public in terms of state-to-state, private in terms of individuals and organizations, or global in terms of empire and colonization, imply a silencing of how race intersects with gender, class, sex, physical contact, fear, and/or nation. Further, they show that as part of these

3. For descriptions of inter-sectional approaches see Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory
multi-dimensional or intersectional discourses, subordinated identities must negotiate economic or material insecurity within a larger process of exclusion that includes race. Race is ever-present and, at times, is central to the reasons for exclusion, but as the papers show, race does not operate alone to exclude or resist. Race functions with other forces to cloud how these challenges are described historically and presently. As such, memory and our knowledge of the past must confront this silencing. Similarly, race and this silencing operate to preclude or ignore remedies for the injustices that subordinated populations suffer during times of crises.

As an introduction, this essay first describes the cluster and its theoretical contributions to LatCrit theory, second it suggests how LatCrit theory and any discussion of economic crises should explore how history and narratives silence racial exclusion, and lastly it summarizes each of the papers in the cluster. The cluster includes four papers organized from the present to past. Each describes how race intersects with other issues to exclude and subordinate populations and how this exclusion leads to historical or narrative silence. Read in this order, from the status quo to the past, the papers paint an increasingly robust and more complex picture as historical distance is gained. This organization helps the reader identify how present struggles, such as with torture, or employment discrimination, involve “bottoms up” or local contests that contribute to and feed off larger global struggles. The papers focused on the past show a vital interplay that subordinates populations and their stories of racial subordination. In two cases occurring in Asia, Europe and the U.S., described from the 1936-46 period, a complex interplay results in racial exclusion and a silencing of this. These interplays occur on local and global, economic and cultural, legal and political, and war-fighting and state-building terms. Anthony Farley describes Olympic athletics, its implicit spectacle and pageantry, Nazi ideology, and U.S. racism, all predating World War II. Michele Sonen examines Korean colonization, Japanese empire, patriarchy, and sexual slavery during and after the War.

While this past informs us of larger contests and the symbolic power of memory and forgetting, the papers focused on our present emphasize the vital urgency and what is currently at stake. The pressing nature of these harms, i.e. torture, and workplace discrimination, all issues popular in contemporary public discourse, contrasts the silence about race in the workplace, legal doctrine permitting
torture, and the economics and racism motivating denying immigrant children education. These descriptions of our complicated present clearly show what pressures and challenges communities of color, and, in a better world, what would frame access to legal rights and remedies. As this cluster demonstrates an examination of the past and present; read together, it reifies what is at stake and what may happen.

The papers focusing on our present are: “Race Discrimination and Equality in the Global Workplace” by Donna Young, and “Sameness/Difference, International Human Rights Law, and the Political Meaning of Torture” by Peter Halewood. The papers describing our past are: “The Bitter Tears of Jesse Owens” by Anthony Farley and “Healing Multidimensional of In)ustice: Intersectionality and the Korean “Comfort Women” by Michelle Park Sonen.

The intersection of race and other forces during global economic crises stands out as the first common theme and theoretical contribution of these papers. They describe this in sophisticated and diverse ways for our present crises, i.e. Young for workplace race discrimination and Halewood for the law justifying torture. For our past, Farley describes race in Olympic games in Nazi Germany and Jim Crow U.S., and Sonen analyzes the theoretical underpinnings of any remedy for “comfort women” whose injustice is the product of patriarchy, Japanese empire, and Korean post-colonialism.

The fact that this silencing occurs in both our past and present informs the second theoretical contribution of these papers. Manifested as an intersectional factor, race is present in our current struggles with employment discrimination for migrant workers, the War on Terror’s justification of torture. While perhaps not on its face associated with a sub-prime lending crisis or the financial insecurity of securitization, economic crisis is intimately related to the themes of each these papers. Employment discrimination rises from the ashes of corporate downsizing, firms seeking low-cost labor with the requirement of minimal labor protections, and “push-pull” forces in cross-border labor markets. Young contrasts assumptions and shortfalls in U.S. law on employment discrimination with more inclusive and perhaps more effective approaches in international law.

Next, the War on Terror seeks to protect geopolitical and economic interests in the Persian Gulf and Central Asia, resulting in the U.S. claiming it needs to engage in enhanced interrogations, i.e. torture, for terrorist suspects. Similar to Young’s conclusion on the doctrinal limitations, Halewood shows how liberal assumptions in legal doctrine permit torture, especially when national security concerns arise. Economics, while often viewed in quantitative and macro terms, is more than the backdrop to the harms felt by workers, terror suspects, or those aspiring for higher education. Economics is the source of the context that creates these harms and similarly frames the doctrinal limitations of seeking any remedy.

Race and economic crises were similarly influential historically as Farley and Sonen eloquently describe. In the form of Arayan superiority, racism was the spectacle of the Nazis’ 1936 Olympic games in Berlin. Jim Crow policies were the daily non-spectacle after Jesse Owens’ athletic victories and during his consequent civil rights defeats in the U.S. For Korean “comfort women” used as sexual slaves by Japanese military during World War II, their abuse, denigration, and plight to seek justice continually confronts the racism and patriarchy of Japanese empire and Korean society. Farley and Sonen show that race, when intersected with nation on a global stage during war, has the power to silence histories and preclude the recognition of injustice. Their papers inspire us to look at how the U.S., continually at War since 2001, in Iraq, Afghanistan, and recently Libya, may silence current racial exclusions during crises. These inquiries gained theoretical importance, when we note that the brewing of global economic crisis in late 2008 follows seven years of a War on Terror.

Referring to limitations, evident in history, Farley and Sonen show that, with such silencing, remedies are even more difficult to envision. Economics is intimate to past exclusions for Black American athletes and Korean “comfort women.” World War II followed a global depression and mercantilist protections of the 1930s. The War was a global military effort to hold on to large European, Japanese, and U.S. empires in Africa and Asia. For these reasons, the U.S. fought to hold on to the Philippines and Hawaii, France did the same in North Africa and Southeast Asia, Great Britain in Africa and Asia, and Japan in Korea, China, and Southeast Asia. As these papers show, race played a vital role in how an African-American Olympian Jesse Owens was revered and chastised by Nazi Germany, Europe, and at home, and how Korean women suffered long-term harms and symbolized national shame, becoming points of contention for current Korean and Japanese diplomatic impasse. For now, it is fair to say neither Jesse Owens nor the “comfort women” still living have found a political or legal remedy. Global contests for resources and markets created the economic contexts where racism, in the form of Nazism, Jim Crow U.S., or Japanese empire, allowed for these harms. Seen in a scholarly light, these injustices reflect a local and global interplay. Racism, patriarchy, nation, war, and economics feed off each other.

II. “SILENCE”: IDENTIFYING THE GLOBAL AND UNCOVERING THE SYMBOLIC

To help draw some theoretical abstraction from these examples of silencing, this essay refers to two analytical tools: Eric Wolf’s *Europe and the People Without History* and Michel-Rolph Trouillot’s *Silencing the Past: Power and the Production of History*. From different viewpoints, these authors describe how silencing or the ignoring of history occurs and that this has significant impacts for subordinated populations. Put simply, Wolf presents an expansive picture of how interconnected local socio-economic contexts are with larger global forces by analyzing world

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commerce and European expansion after the fifteenth century to industrialization and empire in the early twentieth century. Trouillot highlights how silence, not evident in historical accounts or official records and at times ignored by historians, often more accurately describes past power relations. Both provide valuable theoretical suggestions. Wolf emphasizes how history is denied, leaving the experiences of certain populations untold and invariably painting markets and Western forces as victorious or neutral, while Trouillot suggests identifying what prior perspectives or events are silenced to then examine the influence of this silence in present struggles.

For the purposes of this Essay and LatCrit XV’s theme of “the Color of the Economic Crises,” these two perspectives suggest valuable tools to examine silencing in terms of material and global connections and in symbolic and local terms. Wolf and Trouillot do this respectively. They both speak to many of the themes this cluster’s papers do. Both the LatCrit XV theme and this cluster attempt to further LatCrit’s already impressive theoretical contributions to understanding the interplay between global economics and cultural forces.

Wolf paints an impressively broad picture with ornate analytical details to describe repeated examples of the interconnection between global trade and local social transformation. He shows how the spread of capitalism worldwide from Europe, and then from the Global North, since the fifteenth century forces a reorganization socio-economic structures locally. With this, the negative socio-economic effects of trade, economic growth and downturn occur consistently. Whether it is fur trading in North America, sugar production in the Americas, the slave trade in Africa and the Americas, or rubber plantations in Asia, cross-border economic forces have a sustained and formative impact on local societies. The common story of capitalism, Europe, or empire’s success invariably overlooks significant social transformation locally. He argues that this story, seen globally as interconnected with cultural impacts, produces a denial of history in two ways. First, the story and impacts felt for local populations penetrated by capitalist forces from the center is denied. Second, after this penetration, populations are forced to migrate as labor, because local systems of production are disrupted and/or capitalism seeks cheap labor. Wolf argues that history is denied, when analysts focus solely on state-actors or economic changes. This picture of global economic, local social transformation, subordination, and how the later is denied provides a fruitful set of questions for the LatCrit XV theme of “The Color of the Economic Crises: Exploring the Downturn from the Bottom Up.”

Specifically, Wolf describes how global commerce, empires, and world systems ignore the histories of two sets of populations. These include periphery populations in the colonies or away from the seat of imperial power, who often are “discovered” or “colonized,” and for populations who migrate as a result of cross-

11. See generally WOLF, supra note 9, at 22-23.
14. See generally WOLF, supra note 9, at 23.
15. Id.
16. Id.
border commerce such as slaves, refugees, or migrant labor. With Wolf's claim that empires and global commerce unseat populations and deny their history, we begin to see the material causes, evident in political relationships, geopolitical interests, and economic interactions that result in silencing of a population's history. Using Wolf's suggestions, we may begin to ask about what local stories are denied when global economic forces reach subordinated populations. Similarly, we can question how these forces lead to socio-economic transformations for these populations.

Next, Trouillot presents more intimate and qualitative descriptions of how history may be ignored or silenced and how the effects of these manifest themselves presently. He examines a series of historical examples to show how silencing the perspectives of certain actors or not reporting certain events has normative impact on what becomes the historical record. This silencing shapes how later issues are told and how later events unfold. A Haitian historian, Trouillot describes a series of examples from Haitian history with global and domestic impacts that are usually ignored or silenced in international histories. Haiti was the second state to become independent in the Americas, after the U.S., and this was the result of a violent slave revolt in 1791, killing French whites or forcing them to leave Haiti. Victoriously, Haiti became a black independent state early in the nineteenth century, but was ignored diplomatically and monitored geopolitically out of regional fear for another slave revolt. These Haitian events resulted in significant changes in race and labor relations throughout the Americas, making slavery a more violent and controlled source of labor and exploitation than had been in the prior three centuries, and an international fear that slaves, whether locally or by spreading across borders, would revolt, kill whites, and destabilize U.S., British, Spanish, and other economic interests. France's foreign policy was re-oriented to focus on colonies outside the Caribbean and on territorial gains elsewhere, especially with Napoleonic Wars in Europe and the Middle East, and British naval and imperial policy re-focused to both limit the black republic's regional influence and to increase its overseas naval presence. For these past events, Haiti was ignored in international law and foreign policy terms due to cultural and racist assumptions about a black nation and who could be sovereign. The republic was not recognized for decades after it was no longer under French sovereign control. This historic ignoring or silencing became the eventual cause for "silencing the past" of how influential Haiti was on the world stage.

With additional examples from Haitian national history and the evolving controversy over Christopher Columbus's legacy since the sixteenth century (inside the U.S., Spain, and other locations), Trouillot abstracts an articulate picture of how historical silencing or ignoring actors and events exert normative influence. This is felt in both what stories we tell about the past (i.e. history's narrative) and how future contests, negotiations, or power develop. In sum, Trouillot provides a highly

17. See generally WOLF, supra note 9, at 4-5.
18. Id. at 9.
19. Trouillot argues that silence's influence is at fact creation, the assembly of facts, when facts are recovered, and during the retrospection of the past. See TROUILLOT, supra note 10, at 26.
appropriate way to examine the interplay between history, denying the perspectives of subordinates, and cultural assumptions about what is presented as neutral fact. His suggestions on silence and its normative influence in the future and presentation as neutral fact are potentially illuminating for any inquiry on economic crises, brewing for decades but most obviously exploding since 2008.

Trouillot describes the symbolic and more localized significance of silencing history. He notes how when the historical record may not include something or a fact is denied, this shapes how in the future issues are addressed. Using these suggestions we may question what public narrative is presented about an economic crises. Trouillot inspires asking: What is not being discussed? Who is benefitting from public response? And what facts or manifestations cloud a more complex explanation?

This essay argues that Wolf and Trouillot suggest two ways to make sense of how to contest the narratives of global economic crises and to illuminate the injustices felt by subalterns who are disenfranchised by race, gender, sexual orientation, national allegiance, or class. In exploring what is the color of the economic crises, Wolf and Trouillot, respectively, illuminate how current subordination may be the result of material, local, and global interconnections and/or symbolic or narrative denials. These suggestions are infinitely applicable to an economic crisis felt since 2008. For instance, the complexity and inter-connection of subordination and denying narratives is evident in just a few examples since LatCrit XV convened in October 2010 and as this Essay is written in May of 2011, e.g. denying a President’s citizenship; eliminating public services and education on local and state levels due to national financial challenges; scapegoating foreign nationals in public debates on crime, labor demand, immigration, national security, or education; attacking legal gains for same-sex marriage; increasing local and state enforcement of immigration due to changes in global and national labor markets; Wikileaks’ global and far-reaching political impact of disclosing diplomatic secrets; ignoring U.S. foreign policy support of falling regimes in the Middle-East and North Africa; and rising oil prices as populations challenge political regimes traditionally supported by the U.S. Taking this cluster of papers, the theoretical examples, and this brief list of co-existing struggles, it appears that the color of the economic crisis includes inter-connection and silencing. This tangible and prolific reality should not be ignored. These papers offer powerful steps in suggesting how to identify the silence and begin addressing their harms.

III. SILENCING RACIAL EXCLUSION: PRESENT AND PAST EXAMPLES

The LatCrit XV symposium is blessed to have four papers contained in this cluster, which in diverse ways highlight how, in the present and past, there is a tendency to overlook or outright ignore injustices suffered by populations of color and subordinated identities. In these five examples, the authors describe this for victims of work-place discrimination, terror suspects subject to torture, an African-American Olympic athlete racing to avoid discrimination from Nazi Germany and the U.S., and Korean “comfort women” who were used as sexual slaves by Japanese military and denied any remedy or recognition since then. They all paint complex and disarticulated pictures. Rightfully they take the methodological steps and
theoretical gusto to show this complexity. In a less critical vein or perhaps in our public discourse, these contexts could be wrongly essentialized and limited to worker rights, executive power to interrogate, a symbolic American victory over Nazi ideology, and aberrational horror of Japanese military action, respectively. Instead the four authors illuminate how the global and economic forces result in harms suffered by subordinated populations but typically overlooked in traditional narratives.

Focusing on a subordinated identity, Young examines the limitations and assumptions that lead to exclusion for remedies in U.S. employment discrimination doctrine. She does this by comparing how the U.S. and International Labor Organization (ILO) define and apply equality norms to resolve workplace discrimination.\(^{21}\) Doing this, the paper expertly points out American law's weaknesses, a too formalistic and narrow understanding of equality and an inability to cover many common forms of racial discrimination at work.\(^{22}\) Importantly, American law has grown to overly rely on intentional behavior as the only type of harm that can be remedied. Thus, most systemic or unintentional discrimination escapes any regulation in the U.S. She notes that, without any factual finding of overt racial animus and the law's colorblind approach, we are left with an ineffective equal protection doctrine. This contrasts with the ILO approach, which covers more types of discrimination and working environments.\(^{23}\) It also has more flexible normative goals, with its doctrine seeking to protect four kinds of labor standards.\(^{24}\) These cover freedom of association and collective bargaining, eliminating forced labor, eliminating child labor, and eliminating discrimination in employment and occupation. Young concludes by describing how U.S. jurisprudence here is too formalistic and unable to regulate most workplace discrimination, while the ILO approach provides a more encompassing and flexible model.

By stepping into the nitty-gritty assumption details of doctrine, this paper provides a valuable example of how to identify the law's limitations. In the U.S., civil rights, constitutional protections, and rights-based litigation in domestic courts are seen as hallmarks to our rule of law. Young's intervention accents how the law may permit increasing discrimination. Doing this, her analysis is infinitely valuable for any examination of the "bottoms up" of an economic crisis. Taking into account what the law does not look at or what it rejects (because it is not formulated to address) we can envision a path of increased workplace discrimination. Applying these legal lessons to the context described in LatCrit XV panels and especially in the plenary sessions, we are better informed on how this crisis (presented as one caused and remedied by banks but with unemployment and foreclosures rising) results in the workplace discrimination of populations of color, women, foreign nationals, or LGBTQ persons.

As Young shows discrimination may be tolerated or left unregulated in American law, Halewood presents similar claims about torture. He examines how the concept of the body is treated ambiguously by liberal legal doctrine.\(^{25}\) He shows how

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21. See Young, supra note 5.
22. Id.
23. Id. at 212.
24. Id. at 217.
25. See Halewood, supra note 6.
torture is tolerated after the fear felt in American society after 9/11. This is done by exoticizing the subjects of torture and spectacularizing events such as Abu Graib. Enhanced interrogations effectively perform torture with the object of dehumanizing its subjects. This places state action, the actual physical contact with the subject, in a place where regulations are near nil or non-existent. Halewood demonstrates how influential liberal doctrine's reservations are, or an ironically "hands-off" approach to the body. The complacency of this is made possible by the doctrine's simultaneous claim to be universal and promoting order. Both of these effectively create a space where torture may occur. These liberal assumptions overlook or do not account for the irrationality of human actors. This contrasts traditional or pre-modern torture that focused less on the individual subject's punishment or interrogation, but more on ceremony or spiritual approach to the body and individual.

The paper focuses on legal theory's defense of torture, the history of torture from its pre-modern to current liberal ordering, and regulatory attempts in the UN Convention Against Torture and the Geneva Conventions. It raises a series of theoretical questions for scholars and lawyers to ask about responses to crises. Halewood points to law's limitations in containing irrational or political forces that desire torture and interrogations. There is a silencing or non-acknowledgement of the significance of human bodies in times of national insecurity. This doctrinal inattention and political expediency parallel the situation described in this cluster for workers-victims of discrimination or immigrant students. Similarly, the doctrine, international law, and the factual contexts, the detention of War on Terror suspects, raise critical case for the racist assumptions of a War on Terror. Halewood provides an example of how to identify law's role in facilitating a contemporary harm, torture, during a crisis, terrorism. His sophisticated treatment stands out by pointing out the doctrine's historical development and referring its theoretical assumptions. In this case, he explains how notions of the body and law's reliance on universalism, cosmopolitanism, and liberal individualism keep the law "hands off" of torture. This methodological combination of doctrine, history, and theory unveils a lost history about law sanctioning torture.

Similarly uncovering a history of silencing, Farley describes the story of Jesse Owens, who is traditionally remembered as winning four gold medals in the 1936 Summer Olympics in Berlin. These public victories by an African-American athlete are seen as symbolically undermining the Nazi spectacle that the Olympics

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26. Id. at 254.
27. See generally id.
28. Id. at 260.
29. Id. at 262.
30. International law has its genesis in the racist colonial encounter and continues to exclude protections for populations of color based on these past assumptions. See generally, ANTONY ANGHIE, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW (2005). War on Terror detainees tend to be of concentrated nationalities, see Ernesto Hernandez-Lopez, Guantánamo as a "Legal Black Hole": A Base for Expanding Space, Markets, and Culture, 45 UNIV. SAN FRANCISCO LAW REV. 141-214 (2010). It can be argued that many of the detainee identities are white for domestic U.S. law purposes, yet the law perpetually discriminates against detainees by classifying them as enemy aliens, disloyal, or passionately violent. See generally JOHN TEHRANIAN, WHITENING: AMERICA'S INVISIBLE MIDDLE EASTERN MINORITY (2009). War on Terror policies discriminate against foreign nationals and those who appear Middle Eastern, Arab, or Muslim. See generally Susan M. Akram & Kevin R. Johnson, Race, Civil Rights, and Immigration Law after September 11, 2001: The Targeting of Arabs and Muslims, 58 N.Y.U. ANN. SURV. AM. L. 295, 299 (2002).
showcased Arayan superiority. 31 Farley uncovers the global and domestic context behind the games and Owens representing a victory over Nazi racism. Farley shows how as a black man in the 1930s and 40s, Owens suffered much discrimination in the U.S., exclusion that any black man would be subject to. This exclusion happened before and long after the 1936 games. The symbolic victory over Nazism did not translate into any relief or remedy domestically. Later in life, he was forced to run against animals in public for money. 32 Owens is presented as not only a fast runner as the 1936 Olympics evince; he was fast to outrun the exploitation of capitalism. 33

Farley reminds us that 1936 was the pivotal year, marking the downfall of proletarian Barcelona, where a Popular Olympics would protest the Nazi games, and the beginning of the Spanish Civil War. 34 In this war, Europe’s fascist states would support Franco’s forces to eliminate the Republican government. This contest combined local and global actors on both sides, as George Orwell describes in Homage to Catalonia. 35 Farley ends the paper by contrasting the spectacle of the 1936 Olympics and physical speed with the global context that lead to Nazism and fascism and repeated and powerful forms of discrimination Owens suffered, despite being the figure of U.S. pride in Berlin. 36 Reminding us of the need to question spectacle and uncover history’s racist silence, this paper offers a variety of methodological suggestions for examining the current crises. It convincingly argues that the silence or denial about racial subordination is more important than any short-lived spectacle to the contrary.

Sonen’s paper presents what may be the most long-term injustice of the cluster with the “comfort women” from Korea, who the Japanese military used as sexual slaves during World War II. 37 The paper provides an excellent description of how and why Japan had “comfort women” and proposes a set of objectives to remedy these gross harms. Japan employed up to 200,000 women in military brothels. 38 While not all were Korean, the majority were and for those still living they fight to attain an acknowledgement and apology from Japan. Sonen argues that this injustice is the product of race, patriarchy, Japan’s empire over Korea, and nationalist forces. 39 They all operate in an intersected manner to initially devise the need and reality of “comfort women,” with their forced conscription decades ago, but also since then and currently, to limit any redress. This tension, memory, and consequential silence remains influential over a half a century later, as Trouillot highlights in his suggestions. To this day, Japan refuses to recognize the harm or begin contemplating any redress. The conflict clouds Korean sentiments about their assistance for Japanese victims of the 2011 earthquake, tsunami, and nuclear crises. 40

Sonen’s paper powerfully illustrates how race and patriarchy pervade this

31. Farley, supra note 7.
32. Id.
33. See generally, id.
34. Id. at 229-30.
35. Id. at 232-33.
36. Id. at 244.
37. Sonen, supra note 8.
38. Id. at 264.
39. Id.
struggle and, while it is widely-recognized in Korea and international society, a remedy remains illusive. She shows how intersectional and multi-dimensional approaches to race and gender are most informative, since a variety of forces, exclusions, and interests facilitated such a complex situation. Next, she uses Erick Yamamoto’s focus on “recognition, responsibility, reconstruction, and reparation” to identify what would be needed for any redress for “comfort women,” Korean society, and Japan. In these inter-disciplinary-inspired proposals, the paper illustrates the symbolic and qualitative approaches we must employ when using the law to fix harms. The injustices suffered and challenges these women have felt since then point to so many of the material and social silences Wolf describes and the symbolic and normative significance of “Silencing the Past” that Truillot paints. Sonen’s suggestions build on prior reparations and transitional justice examples from South Africa and Central America.

IV. CONCLUSION

In sum, the four papers included in this cluster contribute to the LatCrit XV focus on the color of an economic crisis. They do this by showing how a global economic crisis, and material concerns in general, contribute to subordination. Highlighting torture subjects, African-American athletes, and Korean “comfort women,” they also show how a “bottoms up” confront these crises and the narratives they report them. With each example, we see how individuals from subordinated groups contest economic crises and global forces. This occurs not at the level of policy or litigation, but instead occurs from the “bottom up,” e.g., in Korea, Jim Crow, War on Terror, detention, and workplace scenarios. Importantly, taken as a whole the papers emphasize how this happens historically and currently and how there is a multi-dimensional and intersectional process of exclusion, which the bottom must confront. As such, they build on standing LatCrit themes that racial exclusion appears on its face and often in the law as “something other than race.” For these four examples we note that racial exclusion feeds off and contributes to economic scarcity, war, nationalism, patriarchy, empire, decreased labor protections, and the state’s ability to torture.

This essay has introduced this cluster titled “Economic Crises from the Bottom Up: (in)Securities of Silencing a Racial Past and Present.” The cluster contributes to the LatCrit theme that law and power insect with class, gender, race, sexuality, and religion to exclude. The essay points to the material and qualitative quality of silence or denial in order to stress a deeper and more inclusive understanding of what is the color of an economic crisis. To do this it refers to Wolf’s global and material descriptions in Europe and the People Without History and Trouillot’s emphasis on tracking the symbolic and normative role of silence in Silencing the Past. Taking these global and intimate pictures of silence and denial, the five papers gain theoretical commonality, even though the subordination described concerns myriad areas such as education, migration, worker’s rights, torture, war, nationalism, and sexual slaves in diverse locations such as Asia, Europe, the U.S., etc. With these contributions from four papers and theoretical suggestions

described, we note the "color of economic crisis" when viewed from the "bottoms up" appears as part of an interconnected and historical process. Hopefully, these insights inform scholars, activists, practitioners, and policymakers to look beyond the easy and facially neutral narratives of an economic crisis.