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RECONSTRUCTIONS

Historical Consciousness and Critical Transformation

EMILY HOUH, KRISTIN KALSEM, AND VERNA WILLIAMS¹

Once upon a time, the Freedom Center Journal (“FCJ”) was merely a great idea. Intended to provide a nontraditional law review experience for students, the FCJ unfortunately lacked the necessary funding and staffing to be more than an informal course. However, due to the persistence and unwavering support of our partner, the National Underground Railroad Freedom Center (“Freedom Center”), the generosity of Harry and Ann Santen, and the commitment of Professor and Dean Emeritus Joseph Tomain, Professors Bert Lockwood, Michael Solimine, and Dean Louis Bilonis, the FCJ many envisioned is now a reality. During the past two academic years (2006-2008), the FCJ has transitioned from an independent research and writing class to a student-run journal that provides a diverse group of highly motivated students with a meaningful journal experience.

With the inaugural symposium, *Reconstructions: Historical Consciousness and Critical Transformation*, the FCJ begins its work of engaging the public about the pressing issues of today, informed by the legacy of historic struggles for freedom. There is no better place than Cincinnati, no better vehicle than the FCJ to facilitate that conversation. We are a city rich in history of the struggle for freedom, as the Freedom Center

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so aptly illustrates. The College of Law has an impressive history of its own: it is home to the first endowed institute at an American law school devoted to the study of international human rights law and the first joint degree program in law and women's studies, for example. We are engaged in an intellectual endeavor that reaches far beyond the so-called ivory tower. As such, we are more than well-situated to launch a publication that will give voice to the various struggles for freedom, and provide interdisciplinary lenses with which to understand them.

This first volume of the FCJ, which includes articles written by the participants in the symposium, focuses on history and freedom. Specifically, we invited some of today's leading thinkers to examine how history might be used to understand current manifestations of subordination and to craft strategies for social change. In terms of the symposium's theoretical grounding, we were inspired by the work of legal scholars and critical race feminists Angela Harris and Kimberlé Crenshaw, whose pathbreaking and germinal articles on anti-essentialism² and intersectionality³, respectively, in legal theory (and specifically feminist legal theory and critical race theory) have recently had their 15 year anniversaries. In talking with Professor Harris during earlier stages of planning, she called on us to "go beyond anti-essentialism and intersectionality." We took her call seriously.

Thanks to the impressive scholars who agreed to participate, we have assembled works that move these important theories forward, employing historical analyses of freedom movements. In the pages that follow, Alfred Brophy, Adrienne Davis, and James Campbell examine and posit strategies for overcoming barriers to historical consciousness concerning subordination. Kevin Maillard and Courtney Cahill reconstruct untold histories to examine the current state of subordinated groups in particular substantive areas. Finally, Katherine Franke, Margaret

² See Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 Stan. L. Rev. 581, 585 (1990) (defining gender essentialism as "the notion that a unitary, 'essential' women's experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience" and critiquing the use of gender essentialism in feminist legal theory).

³ See Kimberlé 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 (critiquing the structural inadequacies of existing antidiscrimination jurisprudence and discourse); see also Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stan. L. Rev. 1241 (1993) (critiquing the "single-axis" framework of antidiscrimination law in the contexts of feminist legal theory and domestic violence law).

Montoya, and Christine Zuni Cruz explore how we might effect a critical and activist transformation that is truthful about our historical legacies of subordination and committed to overcoming them. Keynote speaker Angela Harris provides outstanding concluding remarks that provide the basis for moving ahead.

The articles assembled in this first volume of the FCJ are true to the vision of its founders, providing, in the words of Naiya Patel, its first editor-in-chief: “a forum of vibrant debate, critical reflection, and rewarding self-education.” She correctly has observed that the FCJ, with this volume and beyond, will be “a resource for the broader law school and legal communities, and ... a means of providing innovative analyses of the most pressing and cutting-edge issues of the day.”

