

A NOTE FROM THE EDITORS

Editors of the Harvard BlackLetter Law Journal

Thank you very much for taking the time to read the 35th Anniversary Volume of the *Harvard BlackLetter Law Journal*. Those who contributed to this Volume include activists, lyricists, a negotiator, a person who is currently incarcerated, a person who was incarcerated in the past, poets, professors, and students, among others. To them, we owe a great debt. We hope that their contributions will prove to be interesting, informative, useful, and otherwise valuable to you.

At the outset, we wish to highlight the fact that, due to an error on the part of the Editors, we were not able to consider submissions for publication in this Volume that were sent to us by mail. We deeply regret this error, and will fully consider each of those submissions for publication in our 36th Volume, which is scheduled to go to print in the spring of 2020.

We have written this note in order to introduce and contextualize what follows, which includes discussions of various forms of violence.

First, a brief description of some aspects of our identities, which inform in infinitely complex ways, our approach to the editorial process.¹ We are Black, South Asian, East Asian, Latinx, and white.² We are cis-gender³ women and men. We come from low-income, middle-income, and upper-income neighborhoods in rural, suburban, and urban areas. We are Queer and straight. We grew up speaking Spanish and English. We all attend Harvard Law School. We are all living in the so-called “free world.” We are all able-bodied. We all speak English. We are all able to read and write. None of us is incarcerated. And, lastly, we all take issue with the status quo of legal scholarship.

1. In the spirit of the renowned law professor and critical race theorist Patricia Williams, we think that “subject position is everything in [our] analysis of the law.” PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* 3 (1991).

2. We capitalize certain terms and uncapitalize others, which we understand to be “naming that is part of counterhegemonic practice.” Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707, 1710 n.3 (1993).

3. According to Susan Stryker:

The prefix *cis-* means ‘on the same side as’ (that is, the opposite of *trans-*, which means “across”). It is meant to mark the typically unstated or assumed privilege of being nontransgender. The idea behind the term is to resist the way that ‘woman’ or ‘man’ can mean ‘nontransgender woman’ or ‘nontransgender man’ by default, unless the person’s transgender or nonbinary status is explicitly named.

SUSAN STRYKER, *TRANS GENDER HISTORY: THE ROOTS OF TODAY’S REVOLUTION* 13 (2017).

With the benefit of these differences and similarities, we came together in August 2018 and agreed that much should change with regard to our Journal. In search of guidance as to how we should move forward, we first looked backward. As we have studied our past, we learned a great deal from those who came before us, and, as the Black, lesbian, feminist theorist Audre Lorde reminds us, “[t]o learn from their mistakes is not to lessen our debt to them. . . .”⁴ Through this process, we learned that the Journal was established in the early 1980’s to focus on Black issues in the United States context. Nearly 35 years later, it appeared that the original purpose of the Journal had been forgotten. We thought that we ought to return to our original purpose, and this Volume is an attempt at such a return. As part of this return, we changed the name of the Journal from the *Harvard Journal of Racial and Ethnic Justice*, back to the *Harvard Black-Letter Law Journal*, which is what our Journal had been called prior to 2009.

In addition to looking *backward* we also looked *beyond*—beyond the legal materials and legal methods we have learned to understand and employ during our time in law school—to extralegal materials and methods. We decided to turn to materials and methods outside of law because we found that law journals, in general, left much to be desired. We found that law journals were, generally speaking, outmoded, inaccessible, and uninteresting. Upon review, we decided that our own Journal was susceptible to the same criticism. In the end, we sought to reshape our Journal in the image of *Liberator Magazine*,⁵ rather than that of the *Harvard Law Review*.⁶

For this Volume, we chose to focus on the intersection of anti-Blackness and capitalism, adopting Charlene A. Carruthers’s pithy definitions of both of these terms.⁷ We also suggested⁸ that those who submitted work to the Journal engage with the 2018 National Prison Strike⁹ in order to invite and stimulate thought. Answering the same Call for Content, Contributors submitted work on a considerably wide range of topics,

4. Audre Lorde, “Learning from the 60s,” in *SISTER OUTSIDER: ESSAYS AND SPEECHES* BY AUDRE LORDE 138 (2007).

5. See CHRISTOPHER M. TINSON, *RADICAL INTELLECT: LIBERATOR MAGAZINE AND BLACK ACTIVISM IN THE 1960s* (2017). See also, *Online Roundtable: Radical Intellect: Liberator Magazine and Black Activism in the 1960s*, AFR. AM. INTELL. HIST. SOC’Y (Feb. 4, 2019), <https://www.aaihs.org/online-roundtable-radical-intellect-liberator-magazine-and-black-activism-in-the-1960s/>.

6. With no disrespect intended to our colleagues, classmates, and friends who call Gannett House home.

7. Charlene A. Carruthers defines *capitalism* as “an economic system in which the means of production, access to goods, and the value of goods are controlled by private individuals and corporations.” Carruthers defines *anti-Blackness* as “a system of beliefs and practices that destroy, erode, and dictate the humanity of Black people.” CHARLENE A. CARRUTHERS, *UNAPOLOGETIC: A BLACK, QUEER, AND FEMINIST MANDATE FOR RADICAL MOVEMENTS* x (2018).

8. Our 2018 Call for Content can be found on our website. See *2018 Call for Content!*, HARV. BLACKLETTER L.J. (Oct. 4, 2018), <https://harvardblackletter.org/2018-call-for-content/>.

9. See *Prison Strike 2018*, INCARCERATED WORKERS ORGANIZING COMMITTEE, <https://incarceratedworkers.org/campaigns/prison-strike-2018>.

writing from a considerably wide range of perspectives, and expressing themselves in considerably varied ways. For example, Lil Riq, a young, incarcerated artist describes his experience with police in Harrisburg, Pennsylvania's capital city, in the form of written song lyrics. Delrish White, on the other hand, a recent graduate of Harvard's Graduate School of Education, writes in essay form on California's exploitation of incarcerated firefighters. And the list goes on.

While it may appear that we have brought much change to the Journal (and we think that this is certainly true), this nonconformist, critical approach is nothing new for us. In 1986, for example, Patricia Williams published an article, entitled *A Brief Comment, with Footnotes, on the Civil Rights Chronicles*,¹⁰ in the pages of this Journal. In that article, Williams "mocked the formal conventions of law reviews,"¹¹ according to Williams herself. Our Journal's new project fits comfortably within this tradition.

Hereinafter, you will find a carefully cultivated arrangement of materials designed to (1) challenge ideas about who can legitimately create and promulgate knowledge related to law; (2) delight and entertain curious readers; and (3) inform those engaging in struggle against anti-Blackness and related forms of oppression. This Volume represents 35 years of development in knowledge, activism around knowledge production, agitation, and collective struggle. Let us continue developing, activating, agitating, and struggling.

10. We, of course, have to footnote this for ironic effect. Patricia Williams, *A Brief Comment, with Footnotes, on the Civil Rights Chronicles*, 3 HARV. BLACKLETTER J. 79 (1986).

11. Patricia Williams, *Critical Race Theory/Law and Literature*, in LEGAL INTELLECTUALS IN CONVERSATION: REFLECTIONS ON THE CONSTRUCTION OF CONTEMPORARY AMERICAN LEGAL THEORY 116 (James Hackney, ed. 2012).