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LESSONS FROM LA MORENITA DEL TEPEYAC

Ana M. Novoa[†]

This article is the first essay of a series on the interplay between dominant thought and Latino issues. It focuses on critical social justice through an exploration of the phenomenon of the sixteenth century apparition of Our Lady of Guadalupe¹ to an Amerindian, Juan Diego. It is dedicated to *la Virgencita*, and its goals are to elucidate some personal challenges for all professionals, especially those who are “other,” through a critical² analysis of the story of the dark skinned Madonna; to draw an understanding of how dominance affects society; and to suggest conclusions concerning the role of a law school wishing to be friendly to Latinas/os,³ and/or one dedicated to Mary.

There are three popular schools of thought about the origins of the phenomena⁴ of the *Virgen de Guadalupe*. One is that the autochthonous

†. Professor of Law, and Director of the Clinical Program, St Mary's University School of Law. I would like to thank Patricia Cuney, and Graham Smith for their assistance and support, Emily Kinney for her assistance, and *la Virgen* for her boundless love, generosity, assistance, inspiration, and support throughout my life and especially in those years when I was not ready to reciprocate.

1. I refer to Our Lady of Guadalupe as *la morenita*: *morena* means dark skinned, and the “ita” suffix is a form of endearment. In English she is occasionally called the “brown Madonna.” In addition to showing herself as a dark skinned woman, her clothing incorporated several visual Aztec symbols, her speech included many verbal Aztec symbols, and she spoke to Juan Diego in Nahuatl, his native language. She appeared on Tepeyac Hill, a place that had been considered the holy ground of the goddess Tonantzin. Her dress, manner, and language also contained many aspects and symbols familiar and meaningful to the Catholic community. For a description of the symbolism of the image of Guadalupe, see Testoni, *Our Lady of Guadalupe*, *infra* n. 12, at 43-46.

2. I rely on the non-essentialist and inclusive nature of LatCrit. See Laura M. Padilla, *Inter-Group Solidarity: Mapping the Internal/External Dynamics of Oppression: Social and Legal Repercussions of Latinos' Colonized Mentality*, 53 U. Miami L. Rev. 769, 779-780 (1999); Elizabeth M. Iglesias & Francisco Valdes, *Expanding Directions, Exploding Parameters: Culture and Nation In Latcrit Coalitional Imagination*, 5 Mich. J. Race & L. 787 (2000); from the LatCrit IV Symposium, Berta Esperanza Hernandez-Truyol, *Latindia II—Latinas/os, Natives, and Mestizajes—A Latcrit Navigation of Nuevos Mundos, Nuevas Fronteras, and Nuevas Teorias*, 33 U. Cal. Davis L. Rev. 851 (2000); and on my own personal and communicative relationship with the Holy Spirit, Mary and the Communion of Saints, Eph 3:14-21; 4:1-6. (All Biblical cites are from King James Version.)

3. St. Mary's is a Hispanic Serving Institution, which as an institution receiving a grant from the U.S. Department of Education under the “Developing Hispanic-Serving Institutions Program,” must verify that “(1) Its enrollment of undergraduate full-time equivalent students is at least 25 percent Hispanic students; and (2) Not less than 50 percent of its Hispanic students are low-income individuals.” 34 C.F.R. § 606.5 (2004).

4. In wonderful articles, Professor Laura Padilla and Professor Rey Valencia describe the devotion to *la Virgen* by the *Latino* community, whether actively Catholic or not. Laura M.

people invented her in order to facilitate the continuation of their devotion to the goddess *Tonantzín*.⁵ Another is that the Spaniards invented her in order to reach the autochthonous population who had largely resisted conversion before the apparition. However, I do not believe that either explains the richness of the event or its cosmic effect.⁶ Consequently, this paper is written from a third perspective: that she actually did appear; that she did in fact describe in word, action, and symbol the culmination of the Náhuatl beliefs;⁷ and further, that she is a

Padilla, *Latinas and Religion: Subordination or State of Grace?*, 33 U. Cal. Davis L. Rev. 973 (2000); Reynaldo Anaya Valencia, *On Being An 'Out' Catholic*, 19 Chicano-Latino L. Rev. 449 (1998):

[T]he role and importance of religion both historically and in contemporary Chicano/a identity is an issue that I consider to be of the utmost importance [F]or many working class Chicano/as living in the Southwestern United States, the religious personal is often transformed, perhaps even unconsciously, into the secular political.

Id. at 450.

5. It is unclear to me why they would contrive to continue worship of *Tonantzín* while ignoring all the remainder of the pantheon. Nor does that theory seem consistent with their own belief in the cataclysmic event. Testoni, *supra* n. 1, at 64; Yolanda Broyles-Gonzales, *Indianizing Catholicism, in Cicana Traditions Continuity and Change* 117 (Norma E. Cantu & Olga Najera-Ramirez eds., U. Ill. Press 2002); Virgil Elizondo, *Guadalupe: Mother of the New Creation* 84 (Orbis Books 1997) [hereinafter *Elizondo*].

6. The story is full and rich in the language and symbols of the native peoples. It confirms their core religious beliefs while translating those core beliefs into compliance with the Catholic/Christian salvation story. Orlando O. Espin writes about the event, that it is precisely *because* Juan Diego claimed to have seen Mary *the way* he did, we can say today that this is a sign that the Christian gospel was in fact announced and accepted in early colonial Mexico, and this in spite of all of the betrayals of the gospel that can also be documented.

Orlando O. Espin, *Tradition and Popular Religion: An Understanding of the Sensus Fidelium*, in *Frontiers of Hispanic Theology in the United States* 62, 73 (Allan Figueroa Deck ed., Orbis Books 1992).

7. There are divergent Catholic views of the Guadalupe apparition: A large number of Catholics believe that the Aztec culture and religion was demonic and that Our Lady came to liberate the indigenous people from the demon through conversion to Catholicism. For an explanation of the view of the Native religion as demonic, see Warren Carroll, *Our Lady of Guadalupe and the Conquest of Darkness* (Christendom Press 1983); Testoni, *supra* n. 1, at 21, 23. My understanding is that this position is based at least in part on the violent nature of the Aztec religion. However, my perspective, as expressed in this paper, is that the Spaniards who brought Christianity to the New World were as violent as the Aztecs; I believe that the Aztecs were as horrified by the senseless violence of the Spaniards as the Spaniards were horrified by the human sacrifices of the Aztecs. Seeing the violence in each culture, I do not believe that Mary or her Son condoned either, and I believe that the apparition held a strong message of conversion for both cultures. Octavio Paz contrasts the Aztec view of life and death to the Christian/European understanding in *Labyrinth of Solitude*. Octavio Paz, *Labyrinth of Solitude* 54-57 (Lysander Kemp trans., Grove Press 1961).

In regard to the religious practices of the Aztecs, see notations regarding human sacrifices and cannibalism documented by Bernal Díaz del Castillo, *The Discovery and Conquest of New Spain, 1517-1521* (J.M. Cohen trans., Penguin Books 1963). Díaz, a soldier with Cortez, offers a first-hand account in which he frequently describes in graphic detail the daily human sacrifices they encounter honoring Huitzilopochtli, the war god and god of the sun, and Tlaloc, the god of rain. References to daily sacrifices, blood drenched buildings, and the use of bones and skulls, are

cogent, dynamic, affectionate, concerned, attentive, and live participant in the human drama.⁸ In short, that she is not only the mother of the Messiah, but also the adopted mother of us all. If you, the reader, disagree in whole or in part with the story, you may simply take it as a parable, an allegory, which teaches lessons that are independent from “historical accuracy” or religious tradition.⁹ Lessons that can be gleaned

found throughout the text; for a description of cannibalism *see id.* at 122 & 225; for a detailed description of the sacrifices *see id.* at 229-230; for a description of the use of bones and skulls *see id.* at 138; for a description of the *Cue* drenched in blood and constructed of human bones, gold, silver, and jewels *see id.* at 236-240.

Díaz describes the Spanish perspective during the battle for Tenochtitlan:

When the dismal drum of Huichilobos [(Huitzilopochtli)] sounded again . . . and when we looked at the tall *Cue* from which it came we saw our comrades who had been captured in Cortes' defeat being dragged up the steps to be sacrificed . . . [W]e saw them put plumes on the heads of many of them . . . they made them dance . . . after they . . . laid them down on their backs on some narrow stones of sacrifice and, cutting open their chests, drew out their palpitating hearts which they offered to the idols . . . cut off their arms and legs . . . they ate their flesh . . . offering their hearts and blood to their idols

Id. at 386-387. Also *see* G.C. Vaillant, *Aztecs of Mexico* 205-210 (Penguin Books 1966); Elizondo, *supra* n. 5, at xv-xvi.

8. Some Latina feminists consider *la virgin* solely from the perspective of a Mexican cultural symbol, thus interpreting her presence, influence, and persona as a social/cultural construct reflecting the Mexican view of the characteristics of Mexican women. Jose Limon, *La Llorona, The Third Legend of Greater Mexico: Cultural Symbols, Women, and the Political Unconscious*, in *Between Borders: Essays on Mexicana/Chicana History* 399 (Adelaida R. del Castillo ed., Floricanto Press 1990). I agree with this perspective for *La Llorona*, and even for *La Malinche* but argue that an active, self-defining being who is in relationship with others is not, cannot be, a social construct. Jose Limon, who argues the cultural symbol perspective, does nonetheless comment on the complexity, depth, and universal appeal of Guadalupe, attributes which he agrees are absent in the popular view of *La Malinche* and *La Llorona*.

For examples of Guadalupe as a social/cultural symbol *see* descriptions of Guadalupe art in Tey Marianna Nunn, *Goldie Garcia, La Reyna de South Broadway Rasquache*, in *Chicana Traditions Continuity and Change* 242-250 (Norma E. Cantu & Olga Najera-Ramirez eds., U. Ill. Press 2002); Helen R. Lucero, *Art of the Santera*, in *Chicana Traditions: Continuity and Change*, *id.* at 46; Ana Castillo discusses Catholicism (and Guadalupe) as a motivating cultural doctrine in the life of Xicanistas, in Ana Castillo, *Massacre of the Dreamers, Essays on Xicanisma* 85-100 (Plume 1995).

9. A priest whom I admire a great deal once asked why we (women) stay in the Church. I was born a Catholic, not uncommon for a *Mexicana*, but somehow I managed to grow up with a strong sense of the gospel's call to justice, and of God's call to love. As a result, I left the Catholic Church when I was in my twenties, but I didn't stay away for long. In spite of the patriarchy, and the hierarchy, and the racism, and the sexism, there exists in Catholicism an incredible font of spirituality. The Church, in spite of itself, nurtures the mystic in me, liberates the reluctant prophet, and encourages me to transcend an inclination to substitute vengeance for justice and denigration for analysis. In this article I am regularly very critical of the Church, which I do not in any way see as inconsistent with my continued devotion to Catholicism. There is a very firm distinction in my existence between the faith tradition of Catholicism and the reality of the Catholic Church. The Catholic Church is an institution that has always been flawed, and has frequently acted in a manner that is unjust and reprehensible. Catholic faith tradition, on the other hand, includes the core beliefs or stories that make up the Catholic understanding of God's infinite love for us, God's universal acceptance, God's universal self disclosure, God's universal acts of salvation, and the many stories of love being lived out in holy people throughout the

from the story are both personal and institutional. Among the most profound are an understanding of the maintenance of dominant thought and behavior in a culture, and the obligations/observations of justice¹⁰ as a virtue.

I. THE EVENTS OF THE APPARITION

The original written story of the apparition¹¹ is told by the *Nican Mopohua*,¹² a Náhuatl text by Don Antonio Valeriano,¹³ an Aztec scholar¹⁴ in the sixteenth century. It remains in its original Náhuatl and in numerous translations to Spanish and other languages.¹⁵ The story was also preserved in our oral tradition, traditional dance, pictograms, art, and drama traditions. The story continues to be told, performed, and depicted in most Mexican homes, villages, towns and cities. *La Virgen* is part of our most basic self; she is everywhere in our lives. Many of us have a small altar¹⁶ to the *Virgen* in our homes, and most of us also have other Guadalupe art.¹⁷ She is on our clothing, on our flags, in or on our cars, in our art, even in our revolution. In 1810, the Mexican priest Miguel Hidalgo “raised the image of Guadalupe as a standard of

centuries. See *Nostra Aetate, Dei Verbum, Gaudium et Spes, Dominus Iesus*; Eugene Hillman, *Many Paths: A Catholic Approach to Religious Pluralism* 46-49 (Orbis Books 1989). It is the wealth of spirituality, the sacraments, the grace, the Word, and the acts of God that God makes available to me through Catholicism that keep me from fleeing from the institution of the Church. My son captured it very well once when he said I am very Catholic, but not very Church.

10. I use the word “justice” to indicate an action that is in conformity with God, who is infinitely merciful and infinitely loving. Such a definition has nothing in common with the idea of vengeance, nor does it demand restitution. Instead it springs from the conviction that each person is entitled to respect, to freedom, and to a living wage, and most importantly that each of us are responsible for assuring those rights for others.

11. Any reference to the story includes the written, oral and art history as well as the historical memory/tradition of the people, all of which is continuing and current. See e.g. the art of Alma Lopez. Her piece *Our Lady* which depicts *La Virgen* in a two-piece bathing suit of flowers, and with a modern, confident, *Latina* posture caused quite a commotion at an exhibit in 2001. Image available at <<http://almalopez.net/ORindex.html>> (accessed Sept. 10, 2004).

12. Antonio Valeriano was an Aztec scribe trained by the Franciscans. According to some accounts, Valeriano heard the story directly from Juan Diego. Allan Figueroa Deck, *The Second Wave: Hispanic Ministry and the Evangelization of Cultures* 37 (Paulist Press 1989); Manuela Testoni, *Our Lady of Guadalupe: History and Meaning of the Apparitions* 27-28 (Jordan Aumann trans., Alba House 2001); Elizondo, *supra* n. 5, at 3. All quotes and references herein to the *Nican Mopohua* are to the translation found in Elizondo, *id.* at 5-22. Elizondo’s book, *Guadalupe, Mother of the New Creation*, is an elaboration of selected text of the *Nican Mopohua*.

13. Testoni, *supra* n. 12, at 27-28; Elizondo, *supra* n. 5, at 4.

14. Deck, *supra* n. 12, at 37.

15. Elizondo, *supra* n. 5, at 3-4.

16. C. Gilbert Romero, *Tradition and Symbol as Biblical Keys for a U.S. Hispanic Theology*, in *Frontiers of Hispanic Theology in the United States* 41, 56 (Allan Figueroa Deck ed., Orbis Books 1992).

17. Valencia, *supra* n. 4, at 454-455.

Mexican independence against Spanish colonial rule.”¹⁸ She is comfort and anguish, peace and disruption. *Mi hermanito*, Reynaldo Valencia, noted:

My mother is named Guadalupe. This is because she was born on December 12th, *El Día De La Virgen De Guadalupe* . . . [W]ithin our Mexican—American barrio, *El Día de la Virgen* never passes unnoticed. Rather, traditional songs are sung, masses and processional marches are held, and there are reenactments of *La Virgen’s* appearance to Juan Diego in Mexico.¹⁹

During the celebration of the canonization of Juan Diego²⁰ in 2002, all of Mexico waved banners with her image. Those who did not attend personally watched the televised event in homes, shops and cafés, and the celebration spilled into the streets.²¹ Even if our collective memory has been clouded by the dominant, her story calls us to remember and to recognize our dignity and our worth.

The story of Guadalupe is symbolically rich in a way that is uncommon in the United States. We *norteamericanos* expect a story to contain “realistic” conversation and “accurate” descriptions that will relate facts and events.²² Even if a story is fictional, we expect it to

18. Sixto J. Garcia, *U.S. Hispanic and Mainstream Trinitarian Theologies*, in *Frontiers of Hispanic Theology in the United States* 88, 97 (Allan Figueroa Deck ed., Orbis Books 1992).

19. Valencia, *supra* n. 4, at 454-455. He is of course not my biological brother.

20. Juan Diego was the first Amerindian canonized by the Church, almost 500 years after the apparition. Susana Hayward & Dane Schiller, *Pope’s Visit to the Americas*, S.A. Express News 1A (Aug. 1, 2002).

21. There were many reports of the widespread celebration of the Pope’s visit for the canonization, including those from the San Antonio Express-News detailing the arrival of many poor people who had walked for days to see the Pope and were part of the expected turnout of “more than 12 million people including one million national and international tourists” reported as anticipated. Susana Hayward, *Faithful Camp in Street Hoping for a Glimpse*, S.A. Express News 1A (July 31, 2002). On Thursday, August 1, 2002, the San Antonio Express-News reported “millions [of people] watch[ing] [the Pope] from big-screen TVs on the streets of Mexico City,” with many side stories of individuals elated to be present and to see the Pope, if only to get a glimpse. Susana Hayward & Dane Schiller, *San Juan Diego: Pope’s Ritual Will Linger in a Nation’s Memory*, S.A. Express News 1A (Aug. 1, 2002). The San Antonio Express-News of Sunday, July 14, 2002, details the significance of Juan Diego to many Catholics; the July 28, 2002 issue, at 5J, describes the power of the imagery of *La Virgen* and her cultural and political significance for the people of Mexico. Banners of all sizes bearing the image of *La Virgen*, and of Juan Diego were visible throughout the city of San Miguel de Allende during the week surrounding the canonization. Interview with Tomas Berry (a student who was in Mexico) (Aug. 8, 2002).

22. Here I am speaking from my U.S. self rather than my Mexican self. This is one of many places where the differences in cultural practices tug in different directions. Truthfulness and honesty have different dimensions in each culture, a concept that has been difficult for me to adequately communicate to students. The Spanish speaking client in Clark Cunningham’s *The Silenced Client* probably could not understand why pleading Not Guilty was not dishonest, just as those from the U.S. cannot understand why a Mexican will always respond to a request for directions whether or not he knows the way. See Clark Cunningham, *The Silenced Client*, in

follow a given structure with internal consistency; our culture demands realism in word and event. If a character speaks of a red plant, we are meant to accept that the plant was red. The Náhuatl story is different; the conversation is full of words and descriptors that have religious, spiritual, communal, social, and cosmic significance. The Guadalupe story contains conversations between *La Virgen* and Juan Diego, and between Juan Diego and the Bishop. The story is not meant to propose that the conversations occurred in those words but rather to convey the importance of the event through the use of significant words and significant repetitions.²³ Therefore, it would be unrealistic to be incredulous simply because of a perceived discrepancy between the details contained in the *Nican Mopohua* or its numerous translations, or to be overly concerned with the variations in the story.²⁴ For example, the narrative describes the first apparition as occurring “while it was still dark, before the new dawn.” The reference is not necessarily to the time of day,²⁵ but rather to cosmic time,²⁶ the time of transition,²⁷ the time when our Master is lovingly setting in place the new creation.²⁸ The

Clark D. Cunningham, *Legal Storytelling: A Tale of Two Clients*, 87 Mich. L. Rev. 2459, 2463-2465 (1989).

23. Elizondo, *supra* n. 5, at 92. Spanish is similar in that we use repetition in ways that are not used in English.

24. I once heard a critique of inconsistency based on the variation that at the time of the first apparition, Juan Diego was on his way to Mass in one story and on his way to instruction in another story; but even before my research, I did not see an inconsistency here. However, even if going to Mass could be different from going to instruction, it would not matter. In either case, Juan Diego was submitting himself to the will and religion of the conqueror. Both show the extent of his submission and the loss of his cultural and historic identity. One of the essential messages of the apparition is that Mary was reestablishing the dignity of the native people. Testoni, *supra* n. 12, at 61. See Elizondo, *supra* n. 5, at 126.

25. A critic who uses time inconsistencies to attempt to discredit the story is thus missing the point.

26. It is cosmic because it is a timeless event, outside of our understanding of time, an event that reverberates through eternity. The worldview of the indigenous peoples conceived of humans as a collective, fundamentally linked with others and with all other creatures, the earth, the sky and the beyond. Elizondo, *supra* n. 57, at xv. The Aztecs believed in a cosmic life that was cyclical: birth, growth, maturity, advancement, and eventually a cataclysmic event that would destroy the world leading to a new creation. After the cataclysm, while it was still dark, before the new dawn, the gods would plan the new creation. For the native Mexicans the conquest was just such a cataclysm, it was a complete destruction of their life and dignity. Their religion was crushed, trampled, and buried by foreign symbols; it was their time of darkness. The Aztecs had expected the cataclysm, they knew that they were at the end of a cycle, and so they knew that a new dawn was coming. It was Dona Marina's knowledge of this belief that helped Cortez to defeat them. Nonetheless, in the reality, the event was devastating for those who survived. *Id.* at 29-33.

27. A time of transition because the apparition event uses the physical event of the conquest to symbolize the spiritual conversion from believing in a harsh deity, who required frequent human sacrifice, to a new understanding of God as a loving, kind, healing, protecting Being.

28. The Aztecs perceived the Spanish as a violent and vicious people. The priests taught that God was like the Spanish, but also taught that God was loving and kind, an irreconcilable

Nican Mopohua also uses repetition to indicate importance.²⁹ When Mary names God, she gives a list of titles/attributes to show God's importance through repetition as well as through the importance of the specific titles. She identified God as: "God of Great Truth, Téotl, of the One through Whom We Live, the Creator of Persons, the Owner of What is Near and Together, of the Lord of Heaven and Earth."³⁰ Rev. Virgil Elizondo explains that these Náhuatl titles of various deities "are the same names that were mentioned by the Náhuatl theologians in their dialogues with the Spanish theologians"; the text is thus linking the God of the Nahuatl and the God of the Christians.³¹ Additionally, flowers, which are used throughout the story, symbolize truth.³² Consequently, when the Bishop asked for a sign from Mary, she very deliberately gave him truth (flowers) through/from an Indian. A great revelation that was unfortunately lost on the Bishop, and lost on other Europeans and their descendants, but that we, Mexicanos, have held in our hearts.

I ask you to enter the story on December 9, 1531,³³ when Juan Diego³⁴ went to see Bishop Zumárraga³⁵ following the first apparition. After a wait of about an hour he was allowed into the residence of the Bishop where he reported everything that he had seen and heard. He saw a Lady who identified herself as "the Ever-Virgin Holy Mary,

inconsistency for the Aztecs. *La Virgen*, on the other hand, showed them a loving and accepting God who was like the Amerindians themselves, and who called them to an expected transformation.

29. Importance is communicated through the repetition of words and through the pairing of words. Testoni, *supra* n. 12, at 40-41.

30. *Nican Mopohua*, verse 22 in Elizondo, *supra* n. 5, at 7-8.

31. Elizondo, *supra* n. 57, at 8 n. 7, 6 n. 2.

32. *Id.* at 3-4.

33. At this time December 9th was the feast of the Immaculate Conception, which was later moved to December 8th. The Immaculate Conception is a title descriptive of Mary's own birth, not related to the birth of Jesus from which the title of Virgin Mary or Virgin mother originates. Mary's birth is deemed immaculate because she, Mary, was born pure without original sin. Mary's mother Anne was never thought to have conceived miraculously.

34. Juan Diego was said to have come from the town of Cuauhtitlan which represents the "place of eagles which was symbolic of the sun; it indicates he was from the land of the people of the sun. By saying he was from there, the text [of the *Nican Mopohua* was] pointing out that he would be explaining the things of God." Elizondo, *supra* n. 5, at 6 n. 3. Juan Diego stood at Mary's feet as a representative of all the autochthonous and of their descendants. He was additionally representative of all subordinated, conquered, enslaved peoples.

35. From his arrival in Mexico, Zumárraga was an outspoken and insistent defender of the rights of the native people. He fought against the exploitation of the native people by the conquistadores; but he also fought what he believed to be false, ignorant, pagan beliefs. Zumárraga founded hospitals, schools, universities, and of course many churches, all in an effort to convert the natives to Christianity and to Spanish worldview. Neither Zumárraga nor any of the other defenders of the people believed that any part of the native religion or culture was worth defending or preserving. *Id.* at 55, 85, 94; Espin, *supra* n. 6, at 62, 72.

Mother of . . . God.”³⁶ She asked that a temple be built where she would give all of her love, compassion, help and protection.³⁷ The Bishop listened attentively, said that Juan Diego would “have to come another time . . . [that he would] calmly listen . . . at another time,”³⁸ and then sent Juan Diego on his way.

For us lawyers, law professors and other professionals, an essential part of the story is realizing that we are the Bishop, and that it was the Bishop who required conversion. Juan Diego did not really need the Bishop; in the end Juan Diego and Juan Bernadino and *La Virgen* did it all. The indigenous people did not need the Bishop; they had the *Virgen* and the story; they had the fulfillment of their prophecy. *La Virgen* sent Juan Diego to the Bishop in order to convert the Bishop, the Church and the white men of Europe. It was the Bishop and all of his cohorts who needed Juan Diego, although they probably never realized it.³⁹ In fact, we continue not to realize the same message that is as alive and vibrant today as it was five hundred years ago.

Some of us (lawyers, law professors, judges) began our lives as Juan Diego, and may find ourselves there at various times or settings, but in most of our lives and in most of our relationships we are like the Bishop, the symbol and holder of power.⁴⁰ After all that we have done, and all that has been done, to our minds and spirits we are at best the Bishop, and at worst the *Conquistadores*.⁴¹ We are the ones who are in constant need of conversion: the greater our power, the greater our privilege, the greater our need.

The second apparition occurred on that same day after the interview with the Bishop, as Juan Diego made his way home. He related to the Lady that the Bishop did not believe him. “He received me well and listened carefully. But . . . he answered me as if his heart had not accepted it.”⁴² The Bishop received him well, was friendly and kind, showing an apparent care and concern for the plight of the poor;

36. *Nican Mopohua*, verse 22 in Elizondo, *supra* n. 5, at 8.

37. *Id.* verse 23, at 8.

38. *Id.* verse 32, at 9.

39. I believe that the understanding that it is we who need the poor and not the poor who need us is a fairly new realization. Why has it taken thousands of years for us to begin to understand this?

40. Leslie Espinoza, *A Vision Towards Liberation*, 19 *Chicano-Latino L. Rev.* 193, 195 (1998). She writes about the use of narrative as an effective tool to reconstruct and transform ourselves and concludes with: “Every time we tell a tale that is subversive, we suddenly find out that we are both liberated and entrapped.” *Id.* at 196.

41. It is unfortunately not uncommon to hear or read from many *Latinos* a disassociation from their family and roots. An example is Richard Rodriguez, *Hunger for Memory: The Education of Richard Rodriguez* (Bantam Books 1983).

42. *Nican Mopohua*, verse 37 in Elizondo, *supra* n. 5, at 9.

but he did nothing. What lesson do we learn from our prototype? Do we do even as well as the Bishop? How do we as attorneys receive our clients? How do we law professors receive our students? Especially the poorest of our clients? The most difficult of our students? Do we make a distinction between our paying clients and our pro bono clients? Do we even take pro bono cases? Do we understand that those who are most distant, most difficult, are also most essential to the realization of our own humanity?

The Bishop listened carefully. Most of us do not even know how to listen carefully. Do we who train lawyers take opportunities to teach basic listening skills? Do we even communicate to our students that listening is an important skill? Do we listen in class? Are we so taken by what we know, and what we can do, that listening to the other is not worth our time?

Disappointed at his lack of success, Juan Diego suggested to the Lady that she entrust this message to someone of importance.⁴³ Mary affirmed that she had many servants, but insisted that she wanted Juan Diego to bear the message; and she asked him to return to the Bishop the next day.⁴⁴ *La Virgen* responded to Juan Diego that there were more powerful messengers available to her, but that she wanted him. She purposely chose a powerless messenger. Why? She could have appeared to the Bishop directly, especially this Bishop. He was well known for his holiness and as a champion for the poor in general, and the autochthonous people in particular. He had been praying to Mary for a sign;⁴⁵ he would certainly have done whatever she asked of him. Why didn't she go directly to him?⁴⁶ Why did she pick Juan Diego who did not have authority, who had to plead with the Bishop?

Her actions served several purposes. First, she worked outside of the hierarchy, outside of the structures of power. Second, she identified herself not with the European/dominant, but with the Indigenous/subordinate. *La Virgen* spoke to the autochthonous people in their language, and used their symbols and colors.⁴⁷ If it were

43. *Id.* verses 39-41, at 10.

44. *Id.* verses 42-43.

45. In fact, he had asked Mary to send him Castilian roses as a sign that his prayers for peace had been heard. Francis Johnston, *The Wonder of Guadalupe: The Origin and Cult of the Miraculous Image of the Blessed Virgin in Mexico* 22 (Tan Books 1981). The Bishop believed that because of the vicious treatment to which they were subjected, the Indians were at the point of a revolution. *Id.*

46. In all of the history of public Marian apparitions, she consistently appeared to the poor, to children, to the powerless.

47. The *Nican Mopohua*, *supra* at 9-11; Espin, *supra* n. 6, at 72-73; Testoni, *supra* n. 1, at 43-45. The *Nican Mopohua* illustrates how she worked both outside and through the hierarchy

translated from or communicated in Spanish, the message to the poor would have been suspect because it would have negated the reality of their subordination and continued to subject them to a pattern of presumptions and perceptions based on the reality of the dominant,⁴⁸ thus discrediting the values and dignity of the people, and cementing their subservience. As it was, substantial negative repercussions still occurred.

The import of *La Virgen's* message would have radically shifted had she appeared to the Bishop. An apparition to the Bishop would have held the implication of acceptance of his power and superiority. If Mary had requested that the Bishop build a church (as in a community of believers, rather than simply a building), she would have been recognizing his authority, his person, and his culture as superior.⁴⁹ She would have been recognizing his ability, independent of her and of her Son, to create a community of believers. She would have been both a petitioner and a supplicant. Most important, she would have been sanctioning the actions of the Spanish conquerors in the New World.

Instead, *La Virgen* made it clear that she was asking something of the Bishop not from his authority, but in recognition of the authority of her message. Had Mary appeared to the Bishop, her message would not have emphasized the necessity of service to, and recognition of the autochthonous, and of the growing group of *mestizos*. The Bishop had requested a sign; by providing the sign through Juan Diego, *La Virgen* asserted her presence without confirming the Church's prior course of action, and directed the Bishop's attention to the respect due to the native community. The status of the Bishop shifted momentarily when he accepted the message from Juan Diego. At that moment the Bishop was no longer the superior; the status of the two men was reversed; and the Bishop was accepting instructions from the Indian.⁵⁰ It is not accidental that since that time, all public Marian apparitions have been to the powerless, the poor, children: those without apparent authority,

throughout.. My friend and colleague, Emily Hartigan, relates an interesting story from the nuns who introduced her to *La Virgen*, in Emily Fowler Hartigan, *Disturbing the Peace*, 19 *Chicano-Latino L. Rev.* 479 at 482.

48. See Amy H. Kastely, *Out of the Whiteness: On Raced Codes and White Race Consciousness in Some Tort, Criminal, and Contract Law*, 63 *U. Cin. L. Rev.* 269 (1994). In this article, Professor Kastely explores the persistent effects of race coding and dominant narrative on current judicial reasoning and on inherited legal doctrine.

49. The posture of the leaders of the Church should be as Jesus directed, as servant leaders. *Matt 20:25-28; John 13:5-6, 13-17.*

50. Did the Bishop see/feel/understand that shift? If so, its impact was certainly lost in the subsequent years.

not to priests and bishops.⁵¹

Further, by choosing Juan Diego *La Virgen* affirmed her message to indigenous peoples, making it clear that she was speaking to them; was affirming the dignity of their person, their history, their beliefs; and was personally identifying with them. Here in Texas a local judge recently acted in accordance with the *Virgen's* message. After he had refused to authorize payment for the entire fee for the record in a case involving an indigent client, his clerk, playing the role of Juan Diego, challenged him on the appropriateness of the decision. The judge, who heard the message better than the Bishop, called the attorney and admitted that he had been wrong. Even more impressive, the judge admitted to the attorney that it was the clerk who had pointed out the error. The court paid for the record.

Authentication of the autochthonous people and their religion and customs is of significant importance not only from a political perspective but also from a religious perspective. There is evidence that for many years after the apparition, many of the Spanish priests tried to quash the story of Guadalupe and the growing devotion to her among the native people.⁵²

Those of the dominant vision could only see holiness in European dress/faces/skin. To fully admit the miracle/message of Guadalupe would be to take God out of their own European image.⁵³ Nonetheless the Church eventually deferred to the popular devotion to *La Virgen*. However, because the Church was firmly centered in the dominant, it could not accept the Guadalupe story without recasting it.⁵⁴ The Church, and eventually the people, simply ignored the difficult questions: why did Mary appear to an Indian? Why did she look like an Indian? And why did she mix Aztec symbols and words with the Catholic symbols and words?

Immediately after the apparition, there grew up an oral and dance tradition relating the fullness of the story using traditional symbols.

51. I do not doubt that there have been thousands of "private" apparitions, where Mary appears to and comforts individuals. In those instances, she brings comfort, confirmation and strength to the individual, and many times confirms their mission. It is only a few times in the last two millennia that she has appeared in a public manner where, in addition to the private messages, she communicates a command for the Church, and a message to the public. In those she has preferred to appear to a messenger who is powerless, either poor or a child or both.

52. Garcia, *supra* n. 18, at 97; Espin, *supra* n. 6, at 76; Elizondo, *supra* n. 5, at 84.

53. The Church has been doing the same thing with Women for millennia. The well known theologian, Thomas Groome, recently asserted in a presentation that if the Church truly accepted Mary's title as "Mother of God" they would never deny the appropriateness of women as ordained priests. Thomas Groome, *Address at the Marianist University Meeting* (June 7-10, 2004).

54. Hasn't it done the same with the gospel story?

Thus the story of Juan Diego and *La Virgen* was communicated directly to the people through imagery, symbol, dance, and song, a method common to them but incomprehensible to the religious and secular conquerors. As the years went by, more and more of us sought out association with the dominant and through that association lost our appreciation and understanding of the depth of our Guadalupe customs. However, I do not believe that we fundamentally forgot the Guadalupe message because our hearts, our dance, our stories, our traditions continue to bring the presence of *la Virgen* into our daily lives. Whether we are aware or not, she consistently ties us to our New Dawn.⁵⁵

Mary made it clear that her message and her call to follow her son was not a usurpation of the Aztec religion but was rather its fulfillment.⁵⁶ The cataclysm of the conquest had been foretold and expected in Aztec tradition. The new creation began for the people with the apparition—they were assured that they were heard and protected.⁵⁷ The old life was over, new life began. The Spaniard had tried unsuccessfully to replace the religious beliefs of the people with Catholicism,⁵⁸ but the story of Guadalupe assured them that Catholicism was a continuation, not a usurpation of their tradition.⁵⁹ Through the message of the apparition, the culture, identity, and dignity of the people was retained and fulfilled, not destroyed. Consequently, what the Spaniards considered a “conversion” of millions was instead the people’s realization of the “new day” after the cataclysm. Mary communicated that their prior devotion was inspired and prophetic.⁶⁰

55. See the reference to the New Dawn, the cosmic time in nn. 25-26 *supra* and accompanying text. We are always at the cusp of beginning and Mary always offers to show us the way.

56. *La Virgen* introduced herself as the mother of the one true God whom she identified using Christian and Nahuatl titles, Elizondo, *supra* n. 5, at 7 n. 7, 125-126.

57. *Id.* at 35-37; Job 34:28.

58. The Spaniards built many churches, many of them on the very sites of destroyed native temples. Vaillant describes the hundreds of churches built at the sites of temples in Cholula, Vaillant, *supra* n. 7, at 276. He describes specific churches. *Id.* at 265 & 274. Diaz describes Cortez’ continuing desire to erect Christian symbols at the various Aztec temples, Diaz at 122-124, 178, 201, 235, 237, 238, 241 & 276-277; Johnston *supra* n. 45, at 20. The shrine of Our Lady of Guadalupe was built at the site of the temple of Tonantzín.

59. For example, Mary’s “Clothing appeared like the sun, and it gave forth rays.” Mary covered but did not extinguish the sun (god), all around where she stood “appeared like feathers of the quetzal.” *Nican Mopohua* verse 16-18, in Elizondo, *supra* n. 5, at 7.

60. The subject of the Universality of God’s self disclosure has been taken up by feminist theologians, in particular Sandra Snieder and Mary Catherine Hilkert. Hilkert notes that instead of being bound by revelation “defined by an official (all male) magisterium,” “[feminist theologians] can find a much richer point of dialogue with a theology of revelation that is relational, dialogical and experiential.” Mary Catherine Hilkert, *Experience and Tradition—Can the Center Hold?*, in *Freeing Theology* 59, 64 (Catherine Mowry LaCugna ed., Harper Press 1993). Feminist theologians are willing to go further than the positions held in canonical documents and “rely on

She assured them that it was not necessary to do away with their basic worldview, but only to recognize that it had been fulfilled. It was fulfilled in the revelation of Mary herself who clarified the image of the Aztec goddess Tonantzin in her declaration of the unity and oneness of God, in her own subservience to the divine, and in her assurance that the poor were heard and protected. Mary clearly communicated that they would fulfill their own destiny by following her.⁶¹

There are many similarities between *La Virgen de Guadalupe* and Tonantzin,⁶² but there are also evident and fundamental differences.⁶³ Tonantzin had an “inclination to inflict cruel punishment.”⁶⁴ *La Virgen* was pointedly gentle and compassionate. Tonantzin was part of the pantheon, and the wife and companion of the serpent god.⁶⁵ Mary’s name, Tecoahtloxope, and her actions moved the people to a new understanding of their relationship with God. The conquerors, of course, did not appreciate the complex symbolism,⁶⁶ but the people did, and they “converted” in numbers that were vastly beyond the aspirations and understanding of the Spaniards.

In the story the following day, the tenth of December, Juan Diego again appeared at the episcopal residence. The servants were hesitant to

multiple sources of revelation drawn from the religious experience of traditions beyond Christianity and from human experience.” *Id* at 65. Also see Sandra M. Schneiders, *The Revelatory Text: Interpreting the New Testament as Sacred Scripture* 44-46 (Harper Press 1991).

61. Espin, *supra* n. 6, at 73.

62. Mary dressed in the particular type of tunic, including the mantle, generally attributed by the native people as that of Tonantzín; she appeared to be pregnant. Tonantzín was portrayed either as pregnant or holding an infant; Mary also had the native symbol of the reconciliation of opposites on her womb, just like Tonantzín; she self identified as our mother. Tonantzín was the mother-god; and the apparition occurred at Tepeyac Hill, a place sacred to Tonantzín. *Id.* at 72-73.

63. It is my personal belief that the following of Tonantzín was a prophetic, but imperfect, foresight of *La Virgen*, which she corrected in her apparition to Juan Diego. There are, however, many latina feminists who consider Mary and Tonantzin to be one and the same. I consider this merely a matter of semantics, a distinction without a difference, except to the extent that some consider Guadalupe/Tonantzin to be a female deity available to replace the male deity. I believe in one God, not a pantheon, and that the one God is neither male nor female. I further believe and assert that Mary is not God, but is God’s beloved messenger. Further, it is the Church’s own inconsistency and blindness that has turned so many feminists away. See e.g. Ana Castillo, *Massacre of the Dreamers* 85-104 (U. NM Press 1994). The Catholic Church teaches that God is neither male nor female, but seems stuck in behaving and talking as if God were male.

64. Espin, *supra* n. 6, at 73.

65. *Id.*

66. Elizondo points out:

[T]o balance the emphasis on the fatherhood of God, she emphasizes the motherhood of God-after all, only a Father-Mother God could adequately image the origins of all life. The one sided emphasis of the missionaries is thus corrected and enhanced The male Father God of militaristic and patriarchal Christianity is united to the female Mother God (Tonantzín), which allows the original heart and face of Christianity to shine forth.

Elizondo, *supra* n. 5, at 126.

admit him since they knew that their boss had dismissed him the day before. But Juan Diego was persistent and he was finally allowed into the patio where he waited for several hours.⁶⁷

The Bishop was probably surprised to see Juan Diego again so soon. Juan Diego fell to his knees and pled, tears in his eyes, that the Lady's message be accepted. Zumárraga inquired in great detail about the Lady and her message, but in the end he sent Juan Diego away again saying that he would not believe in the Lady without a sign from her.⁶⁸ Juan Diego went home dejected. On his way home he met *La Virgen* again. He relayed his story and she told him to come the next morning when she would give him a sign for the Bishop. On arriving home, Juan Diego discovered that his uncle, Juan Bernardino, was fatally ill with a fever. Juan Diego stayed home the following day, tending to his uncle; but on the next day, the twelfth of December, he made his way back to the city.⁶⁹

Juan Diego was embarrassed by his failure to keep his appointment with *la Virgen* so he walked around the side of Tepeyac Hill, avoiding the area where Mary had met him before.⁷⁰ Mary nonetheless appeared to him as he passed around the hill. She assured Juan Diego that his uncle was healed, and she sent him to the crest of Tepeyac Hill to gather flowers. Juan Diego gathered as many flowers⁷¹ as could fit in his *tilma* (cloak).⁷² The flowers appeared among the rocks where nothing but cactus grew, at a time when the ground was frozen, and they were a mixture of native flowers and Castilian roses that had not yet been introduced to the continent.

Juan Diego was not well-received by the Bishop's servants. In fact, they were furious. After all, the Bishop had already dismissed this peasant twice. They might not have ever let him in, except that one of them got a glimpse of the flowers inside the *tilma*. Although they were unable to touch the flowers or distinguish them clearly, they were curious enough to let him into the residence and to announce his presence to the Bishop.⁷³

67. Johnston, *supra* n. 45, at 30.

68. *Id.*

69. *Nican Mopohua*, verses 49-63, in Elizondo, *supra* n. 5, at 11-13.

70. Attempting to avoid a divine call doesn't seem to work: see the story of Jonah, in Jonah 1-2, 4.

71. *Nican Mopohua*, verses 64-84, in Elizondo, *supra* n. 5, at 13-17.

72. Juan Diego's *tilma* was made from two rectangular pieces of *ayate* cloth sewn together down the length. *Ayate* is a crude fiber with a lifetime of approximately 20-40 years. Testoni, *supra* n. 12, at 43; Johnston, *supra* n. 45, at 117.

73. *Nican Mopohua*, verses 90-97, in Elizondo, *supra* n. 5, at 18-19.

Much later in the day, when Juan Diego was finally admitted into the office of the Bishop, he released the ends of the *tilma* in order to show the roses to the Bishop. Even after six or more hours, the roses were fresh, fragrant, and covered with morning dew. As they fell to the floor, the image of *la Virgen* became visible on the *tilma*.⁷⁴

Finally the Bishop believed. Or did he? It was not just that the Bishop had previously doubted the apparition. The Bishop had not believed or understood the life reality of the autochthonous people. Even with all his concern, he was unable to see what was outside of the scope of the dominant, even when it was relayed to him clearly.

For a long time, when representing poor Latinas, I assumed that the judges just did not care. Now I realize that they cannot even imagine the stories that I was trying to tell. The reality that many of my clients live is so far outside of the living reality of a white, middle or upper-class judge, whether male or female, that such a judge is unable to conceive of my client's reality, and so when he or she hears the client's story he or she discounts it. Instead of being a narrative of difference, it becomes, in the judge's mind, an invented tale, false testimony, a story lacking credibility.⁷⁵ Many times when the poor get the courage to tell their story, those within the sphere of dominance, those with power, are usually unable to hear, or see, or believe.⁷⁶ Even after the Bishop saw the miracle of the *tilma* and the flowers, his perception was limited. Flowers, which are the symbol of truth in the *Nican Mopohua*,⁷⁷ heavenly, miraculous flowers were presented to him *by an Aztec*, but he still could not see.⁷⁸ The *tilma* showed the mother of God with dark

74. *Id.* at 20.

75. See Kim Lane Scheppelle, *Forward: Telling Stories*, in *Legal Storytelling*, 87 Mich. L. Rev. 2073, 2084-2088 (1989).

76. Dominance is, of course, invisible to members of the dominant group. See Antoinette Sedillo Lopez, *On Privilege*, 2 Am. U. J. Gender & L. 217 (1994); Stephanie M. Wildman & Adrienne D. Davis, *Language And Silence: Making Systems Of Privilege Visible*, 35 Santa Clara L. Rev. 881 (1995). There is nothing to notice when one's own life experiences are considered normal and natural. That is why a history, event or feeling that is outside of the dominant vision is perceived as non-credible.

77. Elizondo, *supra* n. 5, at 3-4.

78. I am not saying that the Aztec religion and pantheon held an exclusive truth, but rather that truth is inclusive, not exclusive. I am further saying that God loves and chooses all people and speaks to each in whatever way they are prepared to hear, and especially that God always communicates most directly at the edges, at the places where we, the powerful, dominate; where we discriminate. To the Christian conquerors, God spoke through a subordinated Aztec, a member of a people viewed by them as barbarians of questionable humanity. To all indigenous or conquered peoples God spoke through someone who looked and spoke like one of them yet, while He clearly communicated loving acceptance, God led the Aztecs to the Spaniards, whom the Aztecs considered incredibly violent.

skin, emphatically uniting Christian and Aztec symbols of the Divine,⁷⁹ and the Bishop did not understand the import of the uniting of those symbols. The Bishop still clung to the belief⁸⁰ that he had to eradicate the “pagan” culture and worldview, a belief that continued in the Church in Mexico and in the United States for centuries.⁸¹ The parallel is true within the legal system, and in legal education. Like the Church in the story, the legal system regularly fails to see, accept, realize, or believe when truth is presented by the unexpected, or at the margins.

The Bishop built the church (building) and baptized the thousands of voluntary converts: but he never understood their importance, their value, or exactly why they were suddenly flocking for instruction and baptism. It was never really the Spanish that built the Church (community). The Church (community) bubbled up like a spring at the feet of *la Virgencita*; the Church (institution) built around it but never really contained it.⁸² For centuries, the Church (official, institutional, hierarchical) continued to believe that its wisdom came from the white (European) priests.⁸³ *La Virgen* appeared at the margin (as she always does) and called the bishop to move from his position of dominance. We (individually and institutionally) are similarly called to be transformed. Our challenge is to constantly situate ourselves at the margins, in spite of our education, success, status; and further to teach our *Latina/o* students to be successful without letting go of their vision, without permanently shifting away from the margins.

To his credit, once he was challenged, Bishop Zumárraga accepted the part of the message that he understood, and acted on it. There is no evidence that he understood the full impact of the story, or the way in which the people would see themselves in *la Morenita de Tepeyac*. However, he did what he was told: he built the structure, and assisted in

79. Virgil P. Elizondo, *Mestizaje as a Locus of Theological Reflection*, in *Frontiers of Hispanic Theology in the United States* 104, 109 (Allan Figueroa Deck ed., Orbis Books 1992).

80. As did the Church.

81. As the popular devotion to Guadalupe shows, the people, at least at some level, just ignored the ignorance of the Church.

82. It is my belief, and experience, that this is always the case.

83. In the years following Cortez's conquest of Mexico, the great question became whether the Aztec and other native peoples were humans that should be converted or animals that could be domesticated.

The *lay conquistadores* were interested in protecting their own power over the area and their economic interest in any development of the continent. At the same time, the Church had an interest in increasing its power through the conversion of the peoples. Conversion resulted in the offering of the sacraments, and the inevitable submission of the populace to the authority of the Church. Even after the humanity of the Amerindians was established, they were not entitled or allowed to be ordained—to receive the sacraments, yes, but to become priests, no. Elizondo, *supra* n. 5, at 29, 44, 46.

the building of the Church community dedicated to *la Virgen*. Things moved rapidly thereafter. Work began within the week on the chapel where Juan Diego resided for the balance of his life.⁸⁴ The *tilma* was hung in the Bishop's residence; but it was soon moved to the cathedral to accommodate the throngs of visitors, and then to the church at Tepeyac where, for centuries, it "hung unprotected." It was subjected to the constant touch of pilgrims, to the fumes of votive candles and to the deteriorating effects of the elements⁸⁵ before it was enclosed in glass.

Many of the Bishops' cohorts were not as accepting of the apparition. Indeed, over the next fifty years or so, many members of the clergy attempted to quash the story of Guadalupe.⁸⁶ Even at a surface glance, the event elevated the importance of the *indios*, called into question the absolute authority of the European clergy, and contained an image of Mary dangerously close to the *indios*. They were probably unable to think that where Mary was found there would be her Son. Instead they believed that Mary could not be found among the *indios*, and further disbelieved that she would choose to appear to an *indio*. When the dominant is confronted with an unimaginable truth, it simply changes the facts. Eventually the Church did just that. It usurped the story, and refocused it to hide its revolutionary message. *La Virgen* triumphs nonetheless because she remains an unwavering influence in the life, imagination, and spirituality of a whole people.

II. JUAN DIEGO AS AN ARCHETYPE OF THE PEOPLE

Juan Diego was native: but without diminishing the importance of the differences between *Mestizos* and *Indios*, we must acknowledge that he, like *la Malinche*,⁸⁷ is clearly emblematic for the *Mestizos*. Yet, *La Virgen's* own words make it clear that she is speaking to Juan Diego and through him to all subordinated peoples: *sean India/o, Mestiza/o,*

84. After the Bishop had a shrine built on Tepeyac Hill, Juan Diego was assigned as the custodian of the image and the shrine. For the rest of his life, he told the story of the apparitions in his native language to all of the Indian pilgrims who came to hear. Testoni, *supra* n. 12, at 52, 53.

85. After almost 500 years, the Guadalupe garment has not deteriorated at all even though the material of the *tilma* has a usual life of 20-40 years. *Id.* at 43; Johnston, *supra* n. 45, at 117. The garment remains intact in spite of several events that should have harmed or destroyed it. It was subjected to nitric acid in the nineteenth century and to a bomb explosion in the twentieth century. Testoni, *supra* n. 12, at 43; Johnston, *supra* n. 45, at 119.

86. Elizondo, *supra* n. 5, at 84.

87. *Malinche* was the name used for both Cortez and his native translator/guide/mistress; she was called Dona Marina by the Spaniards. "*Malinche*" is short for "Marina's Captain". Diaz del Castillo, *supra* n. 7, at 218-219. Today the name is used to refer only to her, and it has negative connotations since she was a native woman who assisted in the conquest.

Mulata/o, o Africana/o.⁸⁸ At the time of the apparition, Juan Diego had been baptized, and was regularly attending instruction. He had abandoned the life and spirit of his ancestors in favor of the reality of the conquerors. As a result, he was estranged from his people and, of course, not fully accepted by the dominant.⁸⁹ He stood in the same space that all Mestizas occupy, whether or not we claim it.

Like our modern *Hispana/o* students, he lived divided between two *pueblos* while not belonging to either. Our students live in a society where dominant thought is Male and Non-*Latina/o* White.⁹⁰ They are learning, as we did, how to survive and prosper in a society where the standard, the ordinary, the accepted norms, language, and behavior come from a perspective other than their own. For us, becoming educated includes the process of learning to apply the accepted norm.⁹¹ Even in a friendly environment,⁹² where we are encouraged to challenge the dominant construct, the challenge must be framed within parameters that are recognized and accepted within the dominant paradigm because a challenge that is outside of the vision⁹³ of the dominant will not be recognized, and will not be credible.

Thus, those of us who are successful have learned through years of experience to maneuver within the normative by accepting or at least expressing within that construct.⁹⁴ Some, like Berta Esperanza

88. I include those who are partially subordinated, and those who are personally rather than institutionally hurt or harmed. Mary is speaking to anyone who honestly recognizes his or her own limitations.

89. Elizondo, *supra* n. 5, at 110. Part of our self identity is that of "traitor," a trait common to Juan Diego and Dona Marina, *La Malinche*.

90. It is also heterosexual, Protestant, moneyed, sighted, healthy, work-centered, and materialistic. Hernandez-Truyol explores issues relating to Latina/os and the Non-Latina/o White in Berta Esperanza Hernandez-Truyol, *Borders (En)gendered: Normativities, Latinas, And A Latcrit Paradigm*, 72 N.Y.U. L. Rev. 882, 893-897 (1997).

91. Kevin Johnson, *How Did You Get to Be Mexican? A White/Brown Man's Search for Identity*, 8 The Diversity Factor 22 (Winter 1999); Kevin Johnson, *Melting Pot or Ring of Fire?: Assimilation and the Mexican-American Experience*, 10 La Raza L. J. 173 (1998); Margaret Montoya, *Mascaras, Trenzadas and Grednas: Un/Masking The Self While Un/Braiding Latina Stories and Legal Discourse*, 15 Chicano-Latino L. Rev. 1 (1994).

92. There is comfort in numbers however, and I do not want to minimize the importance for a *Latina* to be in an environment where a large percentage of the population shares the same values, language and culture. In my own life, I chose to come back to South Texas and to remain here because I want to be in a place where my culture has seeped into the ordinary, where there are places and times *donde puedo hablar español sin parecer extranjeda, donde hay mucha gente de habla hispana, tanto que se encuentran oficinas indicando que "se habla inglés."*

93. This also holds true for sub-groups. A subordinated sub-group will apply its own limited vision to the group members and to its community. Even a group like Lat-Crit, which espouses openness and acceptance tends in fact to be disparaging of those the majority sees at its borders.

94. In the Americas, this practice began as early as the Spanish conquest. The autochthonous "had to abandon their people in every way to become good and successful students." Elizondo, *supra* n. 5, at 39; Laura M. Padilla, *"But You're Not a Dirty Mexican": Internalized Oppression*,

Hernandez-Truyol, appear to navigate effortlessly between worlds.⁹⁵ Others might speak of “putting on the white mask” or “walking the white walk.” For many of us, there is constant dissociation, a confused desire to anchor in one place rather than attempt to balance between relentlessly shifting values, ideologies, and essences, and uncertain, sometimes unexpected, impediments. Many students of color are unable to articulate the discomfort caused by floundering between realities, and, instead, opt for the demoralizing process of assimilation.⁹⁶ Some students appear compliant and perhaps invisible; some, like Margaret Montoya’s description of her student-self, flaunt symbols of their roots while excelling in white-walk.⁹⁷ Most of us experience some negative feelings: rebelliousness, anxiety, loss, or confusion. Many just drop out.⁹⁸ What we do not do, as students, is to impose or assert our worldview; the dominant is so well entrenched that it takes much more than a majority of numbers for any group to “turn the tables.”

III. IDENTIFYING OUR ROOTS

Somos mestizas. I cannot claim to speak for my Latina/o colleagues, but I know that most of us grew up with a strong preference for the white, the Spanish, the powerful. The pull to claim the Spanish is culturally very strong, yet many *Mexicoamericanas/os* have for various reasons resisted that pull. Perhaps resistance leads to a countering reach for the Native ancestors and the *canela* skin; nonetheless, our authentic claim is not to *indigenaje* but to *mestizaje*. Finding the balance, contextualizing our complex historical self, is an individual struggle that is at best a challenge.

In two articles Berta Hernandez-Truyol⁹⁹ describes her decision to identify herself as LatIndia.¹⁰⁰ In the process, she elaborates on her examination of her family genealogy. The article communicates her excitement at the discovery of her Indian *tátarabuela*,¹⁰¹ an event that confirmed and personalized her Native roots. Whether consciously or not, she also experienced the fundamental pain of *mestizaje*: she was

Latinos & Law, 7 Tex. Hispanic J. L. & Policy 59 (2001).

95. See Hernandez-Truyol, *supra* n. 90, at 882-891.

96. See Johnson, *Melting Pot or Ring of Fire?*, *supra* n. 91, at 173; Padilla, “But You’re Not a Dirty Mexican,” *supra* n. 94, at 69-70; Montoya, *supra* n. 91.

97. Montoya *supra* n. 91, at 8.

98. Retention is a problem nationally, perhaps in part because the issue of retention is viewed from the center of dominant thought to the margins, rather than from the margins. See § III, *infra*.

99. Hernandez-Truyol is Cubana, not Mexicana.

100. Hernandez-Truyol, *The LatIndia and Mestizajes: Of Cultures, Conquests, and LatCritical Feminism*, 3 J. Gender Race & Just. 63 (1999); Hernandez-Truyol, *supra* n. 2.

101. Hernandez-Truyol, *The LatIndia and Mestizajes*, *supra* n. 100, at 76-77.

confronted and reminded that we “cannot claim a tribe, the tribe has to claim” us.¹⁰²

Inez Hernandez-Avila, who is half Native and half *Mexicana*, teaches in the Native American Studies Program at U.C. Davis, and she identifies it as a program that explores/creates inclusiveness by mingling Chicana/o and Native studies.¹⁰³ Native writers have clearly expressed pain and anger at the practice of the dominant in usurping Native customs,¹⁰⁴ and of taking Native spiritual practices out of context.¹⁰⁵ They are right to seek to protect their cultural heritage intact, and their anger is understandable. While we *Mexicanas/Chicanas/os* are not Native (as in “tribe affiliated,” though we are native to the Southwest) we share Native and Spanish roots. Unless a tribe has claimed us, we cannot claim Native space, we can only claim our related space: the deep, historical, subordinated, conquered place of *mestizaje*. After the many years of distance between the Native population and the *Mestiza* population, perhaps we can begin to claim some relationship, *si no somos hermanas, quisá somos primas*. Hernandez-Avila and others do seem willing to find common ground with us, their *Mestiza* relatives.¹⁰⁶

IV. LIVING IN THE MASTER’S HOUSE

My history is different from that of many of my colleagues:¹⁰⁷ because of my light skin my refrain has always been, “*Soy Mexicana*, I am *not* Spanish;¹⁰⁸ I may be *güera*, *pero soy Mestiza*.” I was perhaps fortunate to grow up in a family where there was no impulse towards

102. Hernandez-Truyol, *LatIndia II—Latinas/os, Natives, and Mestizajes*, *supra* n. 2, at 868.

103. Inez Hernandez-Avila, *Relocations upon Relocations: Home, Language, and Native American Women’s Writings*, 19 *Am. Indian Q.* 491, 493 (Fall 1995).

104. Wendy Rose, *The Great Pretenders: Further Reflections on Whiteshamanism*, in *The State of Native America: Genocide, Colonization, and Resistance* 403 (M. Annette Jaimes ed., S. End Press 1992); Leslie Espinoza & Angela P. Harris, *Afterword: Embracing the Tar-baby-LatCrit Theory and the Sticky Mess of Race*, 10 *La Raza L.J.* 499, 512-513 (1998), which discusses the phenomena of the white community incorporating African-American cultural practices, art, and music.

105. Rose, *id.* at 404.

106. Hernandez-Avila, *supra* n. 103; *but see* M. Annette Jaimes with Theresa Halsey, *American Indian Women: At the Center of Indigenous Resistance in Contemporary North America*, in *The State of Native America*, *supra* n. 104, at 331-333.

107. Iglesias & Valdes, *supra* n. 2, 790-791, discussing the non-essentialist perspective of LatCrit.

108. Like many others, when I was growing up my “Anglo” acquaintances would refer to me as Spanish, a practice I never allowed to go uncorrected, one that built in me a resentment toward all things Spanish, and frankly a disappointment in my own light-skin. Nonetheless, I reaped the benefits of being light-skinned; but because of my particular history, outlined here, I always self-identified as a Mexican *mestiza*.

blancamiento,¹⁰⁹ and where we never looked for or referred to elusive European ancestors. My father came from a family in Mexico City whose class privilege was greater than that of Spanish immigrants to Mexico.¹¹⁰ He and my mother and sisters came to the United States a few years before I was born, so during my childhood we had very strong ties to, and contact with, our family and society in Mexico. It was a place very different from my U.S. life.

My paternal grandfather's first wife died while most of the children of the marriage were still young. I grew up with a family story of how he came to marry my grandmother in the 1890s: His first wife's family (the Palacios) took charge of finding a replacement wife since he, of course, could not be left without domestic support. What was confusing, but never challenged, was that there was another half-hidden piece, a whispered hushed judgment. There were eyes that looked down elegant noses at my European-born grandmother. How did the story and the reality fit together? Was my grandfather too important for them to criticize him or his new wife blatantly? Had the Palacio family suggested another woman whom he had rejected in favor of this young seamstress? Had the story of their intervention and approval been invented to protect their own standing/association with him? In any event it was very clear that my grandfather had married below his station, and that my grandmother¹¹¹ never measured up to the standards of the un-named in Mexican society who judged such things. She was very young when he married her; she was beautiful but also light-skinned.

We never mused wistfully about light skin in my family; I guess that was because for us, light skin came from the more common blood. Additionally, among the many fascinating characters that were my father's siblings and cousins, the best-respected, most confident, highest achievers, and wealthiest were the darkest skinned. So I never thought positively about light-skinned European stock. Interestingly, however, in my father's family we did not/could not identify a specific indigenous ancestor. I now wonder if to others the family was presumed to be of European ancestry.

La familia de mi mamá did not have the same class privilege (since at one level my father, like his father, had married below his station),

109. Padilla, "But You're Not a Dirty Mexican," *supra* n. 94, at 69-70 (describing the negative effects of *blancamiento*).

110. Was there perhaps a presumption of European lineage? In any event, they were not immigrants, from Spain or anywhere else.

111. My grandmother died when I was ten. In my eyes, she was a beautiful, elegant and dignified woman whom I admired and respected.

yet, in my mind, my mother's family did not have the taint of recent European blood.¹¹² My maternal relatives did talk among themselves about non-specific Spanish ancestors and light skin and eyes. They had no need to claim European ancestry on my behalf, and they never referred to my European grandmother. Consequently I misunderstood, and I was an adult well before realizing why they spoke so wistfully.

There had been an argument between my father and one of his brothers; I only heard the aftermath. I think my father had criticized the powder-white skin of characters in my uncle's painting. All I heard was my father talking about us, about Mexicans, about who we are—it was the first time that I had heard the word *mestizos*. He said it with pride of ownership:¹¹³ It was our destiny, it was our nature, it was our giftedness. This memory came alive for me in the art and murals of Orozco, Rivera, and Siqueiros.¹¹⁴ I understood from them who I was: neither Spaniard *ni India*. Alright, I was a *pocha*, and *guera*, but certainly not a *gringa*. I never admitted to, much less looked for a Spanish ancestor, and always knew that I could not claim *ser India*. *Soy Mexicana*.

Soy Mexicana, soy mestiza, I/we/nosotros somos as much conqueror as conquered, *somos la raza cósmica, pero también somos*, a people conquered, and reconquered, and displaced. Our true source of strength is in embracing and celebrating our *mestizaje*: having the knowledge but not the prerogative of our Spanish ancestor; having the knowledge but not the prerogative of our Native ancestor. We are both and neither; therefore we are most likely to find balance in the historically grounded self of *mestizaje*. The awesome truth of course, especially for those of us who are lawyers, is that we are simultaneously subordinated and powerful. *La Virgen Morenita* speaks to both in us: she comforts us and challenges us to comfort others; she heals us, and asks us to heal others; she protects us, and expects us to protect others.

112. This is the first time in my life that I have admitted publicly—if somewhat indirectly—my grandmother's ethnicity. Funny that I still find ways to dance around it, but I have to say, SHE WAS NOT SPANISH.

113. Perhaps the pride of *mestizaje* is more easily claimed by those who had none of the negative consequences of being *mestizo*.

114. Octavio Paz characterizes the conquest as a rape of the land and the people, an image with which I have no disagreement. However, he goes on to identify us, *mestizos*, as living the negative consequences of children who are not only illegitimate but also children of passive women who allowed themselves to be raped (*los chingados*). Paz, *supra* n. 7, at 74-88. From Orozco, Rivera, and Siqueiros we can glean a more positive portrayal of *mestizaje as, la raza cósmica*. Adelaida del Castillo and other feminists also disagree with Paz' perspective. If our cultural persona were to accept the centrality and strength of its women, we would find that liberation, freedom, and completeness flow from our authentic historical and symbolic women, Guadalupe, *Malinche* and even *La Llorona*.

V. THE CULTURAL IMPORTANCE OF OUR LADY OF GUADALUPE

The *Virgen's* message has not changed, nor have we ever forgotten the care and tenderness she has always shown. We should never forget that she spoke to us, that she spoke to the poor and conquered, and not to the conquerors, and never forget that she called herself our mother, and our protectress.¹¹⁵ She said:

Am I not here, your mother? Are you not under my shadow and my protection? Am I not your source of life? Are you not in the hollow of my mantle where I cross my arms? . . . let nothing trouble you or cause you sorrow.¹¹⁶

One of our great *penas*¹¹⁷ (sadnesses or burdens) is the warping of *La Virgen's* image into the idea of Marianismo.¹¹⁸ Mary as seen in Biblical passages and in the story of Guadalupe, was certainly gentle and loving but she was definitely not passive.¹¹⁹ She was assertive and strong,¹²⁰ courageous,¹²¹ tactful but straightforward about her goals, and clear about how they were to be achieved. She models power-within in

115. Espin, *supra* n. 6, at 76.

116. *The Nican Mopohua*, verse 76-77, in Elizondo, *supra* n. 5, at 16.

117. This is a great injustice for which I blame the Church, most other men, and all of the powerful who have struggled for centuries to hold on to power by misusing the Word. Elizondo lays other "shameful characteristics," including family violence, at the foot of the conquerors. Elizondo, *supra* n. 5, at 66-67.

118. Laura M. Padilla, *Re/Forming and Influencing Public Policy, Law, and Religion: Missing from the Table*, 78 *Denv. U. L. Rev.* 1211, 1215-1216 (2001); Berta Esperanza Hernandez-Truyol, *Latinas. Culture & Human Rights: A Model for Making Change, Saving Soul*, 23 *Women's Rts. L. Rep.* 21, 28-29 (Summer/Fall 2001). Octavio Paz contrasts Guadalupe with *Malinche*. According to Paz, Guadalupe is the unattainable ideal of a pure, loving, virgin, mother, and wife, and *Malinche*, the whore, raped and treacherous, but both are passive women whose fate is determined by the men who dominate them. Paz, *supra* n. 7, at 84-88; compare Ana Castillo's discussion on Guadalupe and *Malinche*. Castillo, *supra* n. 63, at 85-104. Castillo paints a negative picture of the conquistadors and particularly of the Church, but she identifies Guadalupe with Tonantzin—a positive, strong, nurturing, feminine principal. Castillo, *supra* n. 63, at 87-88. See Marjorie Hewitt Suchocki, *In Search of Justice: Religious Pluralism from a Feminist Perspective*, in *The Myth of Christian Uniqueness* 149, 150-151 (John Hick & Paul F. Knitter eds., Orbis Books 1987), discussing exclusivism in sexism, where men assign characteristics to women. My argument is that Paz, using a mid-twentieth century Mexican male perspective, has characterized the strong and influential women of Mexican life, religion, history and culture, as totally passive. Paz, *supra* at 84-88.

119. As is asserted by Octavio Paz; he also characterizes *La Malinche* as passive. Paz, *supra* n. 7, at 84-86. Recent feminist historians argue that *La Malinche* was a strong, intelligent woman who dealt appropriately with her challenges within her historical and personal context. Adelaida R. del Castillo, *Malintzin Tenepal: a Preliminary Look into a New Perspective*, in *Chicana Feminist Thought, the Basic Historical Writings* 122-126 (Alma M. Garcia ed., Routledge 1997).

120. See the story of the annunciation in Luke 1:26-38. As I read it, Mary considers her options and asks pertinent questions before giving an informed consent. I don't know that I could retain such poised composure if faced with an angel. See "Mary's Song" in Luke 1: 46-55.

121. She was at the foot of the cross, when most of the male disciples were in hiding.

contrast to the patriarchal model of power through domination.¹²² Her compelling charisma attracted the autochthonous and *mestiza/o* population, and, eventually, the great institution of the Church called *La Morenita* mother. *La Virgen de Guadalupe* has her head bent, which we perceive as an expression of humility; but humility is truth, not subservience.¹²³ She subordinated herself only to God, which she indicated by standing on the moon and in front of the sun. She did not subordinate herself to the institutional Church of the conquerors. She offered

all my love, my compassion, my help, and my protection, because I am your merciful mother, and the mother of all . . . who would love me I will hear their laments and cure and heal all their miseries, misfortunes, and sorrows.¹²⁴

She did not offer political liberation to the poor;¹²⁵ she offered them spiritual and cultural liberation; but she clearly communicated to the powerful of all time, through her actions and words, that they must be transformed. Her message to the Bishop and all of the powerful who follow him is that their only hope for liberation and peace is in service¹²⁶ to those with less power, and to the poor.¹²⁷ She spoke and enacted the essential truth that it is the powerful who have the absolute obligation to offer political, financial, and social liberation to those at the margins.

La Virgen's message should have special importance to those of us who are lawyers and professionals of color. By definition we spend considerable time working through, working in, and centered in the dominant.¹²⁸ Therefore, we risk becoming more blinded to what is happening at the margins. Our vision dulls as we reconstruct ourselves to prosper in the dominant. Nonetheless, it is at the margins that true legal and personal reform takes place.¹²⁹ It is at or beyond the margins

122. She thus continues to be a model for modern Mexican women, particularly those who are both Catholic and feminist.

123. Humility of course is truth. Humility recognizes strength and giftedness, and further recognizes those and all other attributes as gifts. It is our responsibility in humility to accept, honor, affirm and use the ways in which we are gifted. It is a perfect act of humility to recognize and celebrate being a good teacher or a good singer. Negating authentic gifts would not be an act of humility.

124. *Nican Mopohua*, verse 23-25, in Elizondo, *supra* n. 5, at 8.

125. Just as her son, Jesus, did not offer the political transformation that many were expecting.

126. We do so not just through acts of service, but by becoming servant leaders who are willing to use their power for the benefit of those who are powerless.

127. See the story of the last judgment in Matt 25: 31-46; the story of Lazarus and the blind man in Luke 16: 19-31; and the story of the Good Samaritan in Luke 10:25-37.

128. Being centered in the dominant is the very negative process of assimilation. See Johnson, *How Did You Get to be Mexican*, *supra* n. 91, at 24; Johnson, *Ring of Fire*, *supra* n. 91.

129. Scheppelle, *supra* n. 75, at 2082-2084; Hernandez Avila, *supra* n. 103, at 493.

that God is found.¹³⁰ But it is more comfortable at the center.

VI. CONTINUATION¹³¹

Hispanics are the fastest growing minority in the United States. In my own city, San Antonio, Hispanics now number over fifty percent of the population.¹³² Likewise, St Mary's University,¹³³ like the other universities situated in San Antonio, has a majority of Latina/o students. St. Mary's University is one of three Marianist Universities¹³⁴ who identify their charisma as based on a distinctly Marian spirituality,¹³⁵ which embeds their educational calling with "a spirit of Marian faith, the building of communities of faith, and a deep sense of mission."¹³⁶ These in turn are embodied in an educational philosophy that actuates its charisma through five basic characteristics, to: "educate for formation in faith, provide an excellence in education, educate in family spirit, educate for service, justice and peace, and educate for adaptation and change."¹³⁷

In keeping with the ideal of family spirit, service, justice and peace, St Mary's has many opportunities for students, faculty and staff to engage in service projects/programs,¹³⁸ as do most law schools. We, of

130. Espin, *supra* n. 6, at 76; Elizondo, *supra* n. 5, at 70.

131. This section was the hardest to write because I do believe that this paper is prophetic; therefore, I believe that it should speak to each individual and that the conversation should continue. Will a conclusion on my part cut off any thoughts/inspirations you might have? And so I wrote a continuation more than a conclusion. More precisely, I wrote a partial continuation, one that is written specifically with my University in mind.

132. The 2000 census indicates that Hispanics comprise 54.3% of the population in the county, *State and County Quick Facts*, U.S. Census Bureau, available at <<http://quickfacts.census.gov/qfd/states/48/48029.html>> (accessed Jan. 26, 2005); and that Hispanics are the largest or soon to become the largest minority in the United States. U.S. Census Bureau, *Residential Segregation, Chapter 6, Residential Segregation of Hispanics or Latinos: 1980 to 2000*, at 77, available at <http://www.census.gov/hhes/www/housing/resse/pdff/ch6.pdf> (accessed Jan. 26, 2005).

133. St. Mary's was founded and is owned by the Society of Mary, a Roman Catholic congregation of teaching brothers and priests. The Society of Mary was founded by Blessed William Chaminade, after the French revolution. 53.07% of the total students at the University self identify as Hispanic. Data provided by the Office of the Registrar, Sept. 2004. Copy on file with the author.

134. The other two are University of Dayton and Chaminade University. *Characteristics, infra* n. 136, at 7.

135. St. Mary's has the dual identity of dedication to Mary and serving the Latina/o community, which aligns it with the vision, mission and grace of the Guadalupe event. For a discussion of St. Mary's dedicatin to Mary, see *Characteristics, infra* n. 136; for a discussion on St. Mary's status as a Hispanic serving institution, see *supra* n. 5.

136. Chaminade University of Honolulu, St. Mary's University, and University of Dayton, *Characteristics of Marianist Universities* 9 (Chaminade U. of Honolulu, St. Mary's U. & U. of Dayton 1999) [hereinafter *Characteristics*].

137. *Id.* at 13.

138. *Id.*

course, want to continue those programs and to instill in our students a sense of obligation to service. However, I suggest that we also have an obligation to teach, as *La Virgen* did, the innate purpose of service as the lesson she taught: it was the Bishop and his cohorts who most needed conversion, and conversion was available through their acceptance of authentic service to the subordinated.¹³⁹ We serve to help those who have less, in part because our service will provide a family with food or housing, legal or medical care. We are called to servant leadership primarily because we who have so much will be lost if we fail to serve. The call is not just to provide for the basic needs of others, but to work tirelessly to transform our society into one that is just.

Although the Marianist charisma calls us to educate with a faith that is “marked by respect and trust”¹⁴⁰ between members of various cultures, with the presumed goal of making the subordinated groups “feel at home,” the lure of dominant thought is to maintain itself as the normative and the temptation is subtle, seductive, and vigorous. In spite of our rhetoric, and in line with our good intentions, we, educators, are like the missionaries. We benevolently teach young people to abandon their cultural character in favor of the dominant thought. Like the missionaries, we build our own temples and walls in the mind and spirits of our students by laying waste to their cultural practice.

In this respect, three recent students come to mind. All three were strong, talented students, with a great deal of native litigation ability, whose excellent performance brought them to center stage. In line with our practice of teaching dominance, one male student was told to cut his shoulder length hair. Similarly, a female student was advised to moderate her dress and make-up style. Another was told to overcome her “ethnic” accent in favor of “standard” English. Would the changes make them better attorneys? Better litigators? Better advocates? There is no question that the changes would make them more acceptable to the dominant, more invisible, less threatening. But these three would never “pass”: they would always be other. These were young adults who had developed their personas through a mix of their education, experience, and cultural heritage. We summarily robbed them of an essential life choice. Our obligation to students of traditions such as ours is to educate them about the pull of the dominant and the importance of the margin, and to allow them to make an informed choice regarding each aspect of their life that is affected by being other. An important element

139. The tyrants needed conversion most, and while we cannot say that they did not accept it, there is no evidence that they moved from their position of tyranny.

140. *Characteristics, supra* n. 136, at 15.

of our decision to brave this risk is the knowledge that many professionals of color have found personal and professional strength and advantage and greater professional achievement through a conscious expression of their ethnic personas.

A major difficulty for any educational institution is that, because the majority of faculty are rooted in the dominant and blind to the margins, true multicultural education cannot take place. Our obligation, at a minimum, is to expand the institutional vision and the vision of a critical number of the faculty to the areas that are home base to our student populations, to assure our students that they can be successful without abandoning their cultural heritage, and to teach that their authentic strength is found by embracing their heritage.

Like the Aztecs of Juan Diego's time, we are a new creation. We are also in the position of either embracing the eternal call of service to the subordinated or of allowing it to happen in spite of us. There is no doubt that the call reverberates throughout creation. The question is whether those of us who live in legal institutions will join in the divine dance or sit by and warily watch.

POST SCRIPT: THE GUADALUPE NAME

The *Nican Mopohua* relates that Juan Bernardino also had a vision of *la Virgen*. In that vision, she related to him what was occurring and predicted that the Bishop would name her image "the Ever-Virgin Holy Mary of Guadalupe."¹⁴¹ The title seems incongruous because "Guadalupe" is an old Spanish name. One explanation is that the title "Guadalupe" is a mispronunciation and appropriation by the Spaniards of *Tecoatloxope*, which is very similar in sound: this is an ancient Náhuatl word meaning "she will crush the serpent of stone."¹⁴² It is also possible that Mary identified herself as "*hehuatzin ni Coatluxupeuh* (I am she who crushed the serpent)."¹⁴³ Either name might have been transliterated as Guadalupe. *Nuestra Señora de Guadalupe* has other popular titles as well. Early Aztec followers may have called her *Tecoatloxope* as well as: *Tonantzín* (Our Mother),¹⁴⁴ *Teonantzín* (Mother

141. *Nican Mopohua*, verse 119, in Elizondo, *supra* n. 5, at 22.

142. Espin, *supra* n. 6, at 72.

143. Christopher Rengers, *Mary of the Americas: Our Lady of Guadalupe* 15 (Alba House 1999). Tradition teaches that it was Mary who crushed the head of the serpent as foretold in Gen 3:15. Traditionally the image of Mary as the Immaculate Conception depicts her as crushing the serpent. Our Lady of Guadalupe first appeared to Juan Diego on the Feast of the Immaculate Conception.

144. *Tonantzum* is also the name of the goddess whose temple was associated with Tepeyac Hill.

of God); and more recently she is known as *La Virgen Morena*, *La Virgen de (San) Juan*, and *La Morenita del Tepeyac*. Wherever or however her name originated, and whatever we name we use for her, *la Virgensita* continues to call us to conversion, just as she did with the Bishop.