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A Primer on Critical Race Theory

Who are the critical race theorists and what are they saying?

by Edward Taylor

INCREASING ATTENTION IS being paid to the legal movement known as critical race theory (CRT), which Cornel West calls “the most exciting development in contemporary legal studies.” He writes that “critical race theory compels us to confront critically the most explosive issue in American civilization: the historical centrality and complicity of law in upholding white supremacy.”

Critical race theory is an eclectic and dynamic form of legal scholarship that evolved in the 1970s in response to the stalled progress of traditional civil rights litigation to produce meaningful racial reform. The founders of the critical race theory movement include such legal scholars as Derrick Bell, Charles Lawrence, Lani Guinier, Richard Delgado, Mari Matsuda, Patricia Williams, and Kimberle Crenshaw. Topics addressed encompass affirmative action, race-conscious districting, campus speech codes, and disproportionate sentencing of racial minorities in the criminal justice system. These self-described outsider law teachers have sparked a growing movement, not only within legal circles, but they are now seeing their ideas extended into such areas as education, sociology, and women’s studies. CRT strongholds include Columbia, New York University, Georgetown, and the University of Colorado.

As a form of oppositional scholarship, CRT challenges the experience of whites as the normative standard and grounds its conceptual framework in the distinctive experiences of people of color. This call to context insists that the social and experiential context of racial oppression is crucial for understanding racial dynamics, particularly the way that current inequalities are connected to earlier, more overt, practices of racial exclusion. CRT is grounded in the realities of the lived experience of racism which has singled out, with wide consensus

among whites, African Americans and others as worthy of suppression. CRT thus embraces this subjectivity of perspective and openly acknowledges that perceptions of truth, fairness, and justice reflect the mindset, status, and experience of the knower. Anyone who doubts the way that whiteness, for example, shapes public opinion need look no further than the racial fault lines exposed by the Rodney King and O.J. Simpson cases. Professor Delgado points out an important distinction between the viewpoints of blacks and whites, however. Whites don’t see their viewpoints as a matter of perspective. They see it as the truth.

One powerful way to challenge the dominant mindset of society — the shared stereotypes, beliefs, and understandings — is the telling of stories. Stories can not only challenge the status quo, but they can help build consensus and create a shared, communal understanding. They can, at once, describe what is and what ought to be.

As a result, CRT scholars often use storytelling as a way to engage and contest negative stereotyping. This strategy makes use of the experiences of people negatively affected by racism as a primary means to confront the beliefs held about them by whites. This is what Professor Crenshaw calls a condition for the development of a distinct political strategy informed by the actual conditions of black people.

Although CRT is not an abstract set of ideas or rules, its scholarship is marked by a number of specific themes. The first is that racism is a normal, not aberrant or rare, fact of daily life in American society. It is said that the assumptions of white superiority are so ingrained in the political and legal structures as to be almost unrecognizable. In fact, individual racist acts are not isolated instances of bigoted behavior but a reflection of the larger, structural, and institutional fact of



Kimberle W. Crenshaw

white hegemony. This normalization of expected, race-based practices in employment, housing, and education makes the racism that fuels it look ordinary and natural, to such a degree that oppression no longer seems like oppression to the perpetrators.

CRT is deeply dissatisfied with traditional civil rights litigation and liberal reforms. Having seen many of the gains of the civil rights movement rendered irrelevant by an increasingly conservative judiciary, CRT scholars have lost faith in traditional legal remedies. They have seen restrictive definitions of merit, fault, and causation render much of current antidiscrimination law impotent. Progress in employment and contracting laws designed to end discrimination has been stalled as courts promote popular preferences at the expense of minority interests.

Two commonly held ideologies have contributed to the backlash against civil rights litigation — the myths of meritocracy and color blindness. By relying on merit criteria or standards, the dominant group can justify its exclusion of blacks to positions of power, believing in its own neutrality. CRT asserts that such standards are chosen, they are not inevitable, and they should be openly debated and reformed in ways that no longer benefit privileged whites alone.

The neoconservative color-blind view calls for the repeal of affirmative action and other race-based remedial programs, arguing that whites are the true victims. CRT notes that color blindness makes no sense in a society in which people, on the basis of group membership alone, have historically been, and continue to be, treated differently. The danger of color blindness is that it allows us to ignore the racial construction of whiteness and reinforces its privileged and oppressive position. Thus, whiteness remains the normative standard and blackness remains different, other, and marginal. Even worse, by insisting on a rhetoric that disallows reference to race, blacks can no longer name their reality or point out racism.

Interest Convergence

Another tenet of CRT is Derrick Bell's theory of "interest convergence"; that is, the interests of blacks in

achieving racial equality have been accommodated only when they have converged with the interests of powerful whites. To illustrate the dynamics of interest convergence, the following is instructive. In Bell's 1990 parable *The Space Traders*, he describes an invasion of space aliens that offers to solve the planet's fiscal, environmental, and energy needs in exchange for all persons of African descent. Although many whites were initially against it, the majority, like their colonial forebears, ultimately were willing to exchange the lives, liberty, and happiness of Africans for their own economic, educational, and social needs. Bell's point is that, historically, white Americans have been willing to sacrifice the well-being of people of color for their economic self-interests and that continued subordination of blacks is sustained by those economic and legal structures that promote white privilege.



Patricia J. Williams

Extending CRT to Education

Can the tenets of CRT be extended to educational theory and practice? Can they inform strategies to improve the educational success and life chances of African Americans? Some critical race theorists have begun the process of linking CRT to education, calling for the authentic voices of people of color and raising critical questions about educational research and resegregation via practices such as tracking. These scholars also note that the goals of multiculturalism and diversity have been diluted to trivial sideshows like eating ethnic foods rather

Resistance to Oppression That Will Never Cease

"I am convinced that there is something real out there in America for black people. It is not, however, the romantic love of integration; it is surely not the long-sought goal of equality under law, though we must maintain the struggle against racism, else the erosion of black rights will become even worse than it is now. The Racial Realism that we must seek is simply a hard-eyed view of racism as it is, and our subordinate role in it. We must realize, as our slave forebears did, that the struggle for freedom is, at bottom, a manifestation of our humanity which survives and grows stronger through resistance to oppression, even if that oppression is never overcome."

— Derrick Bell (1995)

than addressing fundamental issues of social justice, much in the same way the gains of the civil rights movement were weakened over time.

"Many whites embrace the goal of racial equality. The problems arise when black progress exacts a personal cost to their position of power and privilege."

Still, important issues must be addressed. First, CRT's assumptions that whites and blacks think and act in predictable and homogenous ways are not entirely accurate. As the political lines between blacks and whites blur, with some blacks espousing traditional, conservative views and some whites promoting progressive racial policies, it makes less sense to speak of group interests as monolithic. In addition, as educational institutions become increasingly racially diverse, their self-interests no longer represent those of a single racial group. Professor Randall Kennedy of the Harvard Law School has objected to the stereotyping of scholarship by race and rejects the assertions that academicians write/think/act in uniform ways that are racially determined.

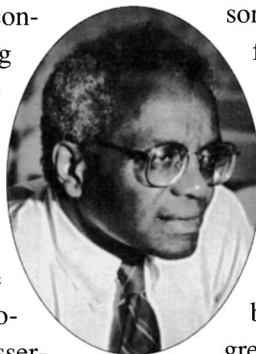
More practical concerns relate to what may be significant barriers to acceptance of CRT's assumptions. Although some whites have advanced an antiracist agenda, this amounts to no more than a handful. Most whites have embraced the color-blind perspective and any constructs built upon the premise that racism is a normal activity in American society will be resisted. It is less painful and upsetting for most whites to simply deny, usually not maliciously, that racism exists.



Richard Delgado

This barrier may prove to be so intransigent as to limit potential contributions of CRT, if not place it beyond consideration.

Finally, interest convergence will likely engender considerable debate, with liberal whites naturally reluctant to surrender their sense of pride when pointing to civil rights progress. Many embrace goals of racial equity,



Derrick Bell

at least in the abstract. The problems arise, however, when black progress exacts or imposes a personal cost to their position of power and privilege. As Bell states, "Whites simply cannot envision the personal responsibility and the potential sacrifice inherent in the conclusion that true equality for blacks will require the surrender of racism-granted privileges for whites." Even the morally compelled believers in racial equality may, when faced with their



Lani Guinier

son's or daughter's rejection from law school, look for a scapegoat. More likely than not, the target will not be the other beneficiaries of affirmative action, such as white women or the legacy admits of alumni and university benefactors, but the handful of African Americans assumed to be unqualified and undeserving.

In sum, CRT's usefulness will be limited not by the weakness of its constructs but by the degree that many whites will not accept its assumptions; I anticipate critique from both the left and right. For those educational theorists, researchers, and practitioners who agree to "try it on," it will be an opportunity to test whether or not CRT has predictive powers and, perhaps more important, whether or not it can inform strategies for action across the color line.

For many, both black and white, CRT may be criticized as too cynical, nihilistic, or hopeless. Indeed, its assumption of the permanence of racism and its prediction of continued subordination of blacks can be read as excessively negative. However, within its own constructs are the means to combat helplessness and hopelessness. Its experiential-based center provides common ground for proponents and interested parties; its oppositional nature gives voice to otherwise suppressed opinions; its gritty realism is firmly rooted in centuries of resistance by enslaved persons of African descent who, in the worst of circumstances, exerted their human dignity, and on whose shoulders we now stand.

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