

Issue: Critical Race Theory

Critical Race Theory

What every Democratic candidate needs to know

What is critical race theory?

Based on the founding of the Jamestown Colony in 1607, the United States, either in colonial form or as an independent country, has existed for a total of 414 years. For 243 of those years, beginning with the arrival of the first slave ship in 1619, nearly all Blacks in America were slaves. For 102 years following the Emancipation Proclamation in 1862 until the passage of the Civil Rights Act in 1964, ignoring a brief period of Reconstruction following the Civil War, Blacks in America were subject to lawful discrimination in virtually all aspects of life. Thus, for 345 years of this country's 414 years of existence, African Americans were, at best, second class citizens or, at worst, slaves. For those 345 years of this country's history, its cultural, economic, social and legal institutions, customs, and practices developed in the context of Blacks in those roles.

A basic question raised by adherents of critical race theory (CRT) is whether or not it is reasonable to assume that those American institutions, customs, and practices changed overnight with the legal changes in the Civil Rights Movement to view and treat black citizens the same as white citizens. CRT adherents would argue that such an assumption is clearly wrong. Rather than looking at racism by individuals as the source of racial disparities, racial tension, and white supremacy in the country today, CRT looks at the continuing impact of ingrained racism and white supremacy in the institutions, customs and practices governing our lives today.¹

Harvard Law Professor Derrick Bell is generally regarded as the originator of critical race theory. He began in the late 1970s to examine the role of racism in law and legal institutions beyond laws addressing individual cases or instances of discrimination or segregation.² This approach was picked up by other legal scholars in the 1980s and eventually by scholars in other disciplines and developed into an academic examination in colleges, graduate programs, and law schools of effects of structural or systemic racism not only in law and legal institutions but in housing, banking, education, health care, and other aspects of American life.³ CRT is not a set of beliefs and is not concerned with identifying who is racist and who is not. Rather it is an inquiry that examines systems and structures of the past that were based on or impacted by race and seeks to identify and address present-day institutions, policies, and structures that continue to reflect those racial differences.⁴

As examples of present-day policies and structures that reflect historical race-based differences, CRT scholars often point to housing and education. Through municipal planning and zoning practices that originated in the Jim Crow era, African Americans were often relegated to "Negro districts" in many cities in the South and elsewhere. Lending practices that excluded these Black neighborhoods through techniques like "redlining" resulted in, among other deleterious effects on these neighborhoods, Blacks falling far behind the white population in wealth generation.⁵ These differences continue today and reflect what CRT would identify as a continuing systemic racial disparity with its origin in past racist policies. Although *Brown v. Board of Education of Topeka* was decided nearly 70 years ago, white-majority communities continue to resist school integration

through a variety of means, resulting in a \$23 billion gap in resources between majority white and majority Black school districts and obvious differences in quality of education.⁶ A timely example of applying CRT is provided by the dramatically more severe impact of COVID-19 on the Black and Latinx communities than on the white community. Is the reason Blacks and Latinx individuals are more than twice as likely as whites to die from the disease rooted in biology and genetics or does the difference have to do with historical racism in the medical profession and racial differences in poverty and environmental factors? CRT would include the latter factors in the inquiry.⁷

The conservative freak-out over CRT

Although CRT is more than 40 years old, it has only recently attracted the attention and, as it turns out, venom of the Republican party. Grumbling was heard among conservatives and on Fox News when Derrick Bell died in 2012, triggering memories of praise by Barack Obama 20 years earlier of Bell's teachings.⁸ The grumbling over CRT turned to outrage among Republicans over the summer and fall of 2020. With conservative unhappiness following the publication in The New York Times of the "1619 Project" that explored the consequences of slavery in America's development and a summer of Black Lives Matter protests focused on systemic racism in policing, the match that lit the fire was provided by a conservative activist in Seattle, Christopher Rufo, who criticized anti-bias training for government employees in Seattle as, among other things, endorsing group-based guilt. Rufo tied this criticism to critical race theory because he felt this term would prove a more effective label for targeting by conservatives than "woke" or "political correctness." Rufo then attracted the attention of Fox News. He appeared on Tucker Carlson's show on September 2, 2020, and the all-out Republican attack on CRT was underway.⁹

President Trump was, of course, watching Carlson's show and reacted by issuing an executive order later in September limiting the discussion of race in federal training sessions.¹⁰ He proclaimed critical race theory and the 1619 Project as toxic propaganda crusades against American history and "ideological poison" that will destroy the country.¹¹ Republicans have seized on critical race theory as the next front in their culture war, with six states passing legislation to ban CRT or discussion about bias, privilege, discrimination, or oppression in schools. School boards in six states have banned or criticized CRT. Twenty more states appear poised to introduce similar legislation.¹² Not unexpectedly, Texas is one of the states rushing to ban CRT from its classrooms, with Governor Abbott signing into law in June 2021 a bill that limits how the history of racism in America can be taught, although the term "critical race theory" does not appear in the bill. Abbott commented that more should be done to abolish CRT in Texas, and Senator Ted Cruz denounced CRT as a racist theory.¹³

Due no doubt to its upcoming election, Virginia finds itself one of the flashpoints for Republican attacks on CRT. After Democrats won a majority of seats on Loudoun County's school board in 2019, the school district faced a lawsuit alleging racial discrimination against Black and Latino students, which was buoyed by an investigation by the Virginia attorney general that confirmed the allegations. The school board adopted an equity plan to address these issues, but that plan has run headlong into heated objections, with claims that it is forcing critical race theory into the schools and classrooms. Republicans are using this opposition to CRT to animate suburban parents by identifying CRT with Democratic politics and seek to return Virginia's northern counties to Republican control in the upcoming election. Republican candidate for governor, Glenn Youngkin, has begun campaigning on the issue by castigating the teaching of CRT in schools (disregarding the point made by school officials that schools are not teaching CRT and that the equity plan is neither CRT nor part of the

curriculum), while his opponent, Terry McAuliffe, has had little to say on the issue.¹⁴ The same anger over allegations that CRT is infecting schools is playing out in districts in Hampton Roads.¹⁵

GOP attack lines

The Republican assault on CRT has generated considerable heat but little light. Most of the attacks are simply wrong in the point they are trying to make, and others exaggerate aspects of CRT to instill fear or anger. As noted by Ibram X. Kendi in [The Atlantic](#), “Pundits and politicians have created their own definition for the term, and then set about attacking it.”¹⁶ Here are some of the attack lines:

- *Anti-bias training.* Christopher Rufo’s original story criticizing Seattle’s anti-bias training program objected to presentations that suggested white people feel emotions like shame, confusion or denial relating to race or that purported to uncover evidence of hidden white supremacy. In digging through footnotes of presentations, he found references to works by Derrick Bell and other CRT scholars, and he thought he found the radical source of the objectionable content in the training. He admitted to [The New Yorker](#) that he seized on the term “critical race theory” as a political weapon he felt would be effective in describing what conservatives objected to in progressive racial ideology.¹⁷ CRT has nothing to do with anti-bias training of individuals; it does not study racism in individuals. Rather it is concerned with addressing historical racism in institutions and structures that continues to manifest today.¹⁸

- *CRT in schools.* The simple answer to this attack line is that critical race theory is not being taught in grades K-12 anywhere in the country.¹⁹ CRT is not “a body of content that can be taught”, but is an academic theory intended to address present day racial disparities by studying their historical roots.²⁰ Teaching about the role of slavery in American history or Jim Crow laws is not teaching CRT, nor are discussions of racial disparity or racism in American society. Republican efforts to ban such subjects from secondary schools is a disservice to the students.²¹

- *CRT is racist and divisive.* This line of attack is the most simplistic and is essentially an *ad hominem* attack on those pursuing the study of critical race theory. CRT does study racism, not as manifested by the acts of individuals, but in the way it impacts social structures, practices, and even social discourse. CRT adherents argue scholarship that ignores race and racism is not neutral but is perpetuating existing racial disparities and hierarchies.²² Advocates of studying critical race theory are not blaming white people today for what white people did in the past. They do expect people today to recognize and address the continuing impact of historical racial disparities.²³

- *CRT is Marxist.* Probably the most pernicious of the attacks on CRT is the accusation that it is a Marxist philosophy. A “primer on critical race theory” published by the Goldwater Institute features a prominent picture of Karl Marx.²⁴ In Virginia, efforts to improve racial equity and inclusiveness are labeled “dangerous Marxist ideology,” even involving a “Maoist purge.”²⁵ A vastly oversimplified inquiry into the intellectual origins of CRT leads to “critical legal theory” in which legal scholars approach law not as neutral or objective but reflecting the existing power structure. Some of the intellectual antecedents of critical legal theory are found in “critical theory,” a school of social philosophy originating in Germany in the 1930s with influences from a variation of Marxist philosophy called “Western Marxism.”^{26, 27} Christopher Rufo and others have found this thread and pronounced that CRT is influenced by Marx.

CRT has been accused of replacing “class” with “race” in a Marxist power struggle.²⁸ Unlike Marxism, which is basically a political and economic theory describing the inevitable class struggle between the

proletariat (who produce goods and services) and the bourgeoisie (who own the means of production) resulting in a proletariat revolution and eventual classless society, CRT does not address the democratic and capitalist nature of America's government and economy. Its examination of power in American society is focused on the politics of race and tools of power enabled by racial disparities.²⁹ Put another way, the struggle addressed by critical race theory is the struggle with racism in a country whose particular history is bound up with that phenomenon.

What does all of this mean?

A fair interpretation of the CRT controversy is to view it as the latest chapter of a cynical culture war waged by Republicans intended to stir resentment and anger among white voters. Once Christopher Rufo tagged CRT as the villain in anti-bias training and the Fox News megaphone announced it to the nation, Republicans seized on critical race theory as a perfect target. As an academic pursuit largely by Black and minority scholars in elite colleges and law schools, it fits the "coastal elite" and "intellectual elite" distrust and resentment of Trump voters. CRT studies race and racism in America, leaving it open to the spurious charge that it is racist, assigns blame and guilt to white people, and rewrites American history solely as a story of oppression and exploitation. The Republican false charge that CRT has infected the country's primary and secondary schools has succeeded in energizing parents and Republican state legislators all over the country to oppose such an outrage without knowing what CRT is or whether it is actually taught in the schools. Accusing CRT of being Marxist provides additional zeal to the opposition.

An effective Democratic response to this culture war is difficult given the emotion stirred up by the GOP. Most of the Republican attacks are simply wrong as a factual matter. CRT is not racist; does not assign blame to individuals for racism; does not seek to rewrite American history; is not taught in grades K-12; is not the basis for anti-bias training; and is not Marxist. Sticking to the truth is not as dramatic as playing on voters' fear and anger, but a Democratic response on the facts may succeed in blunting the Republican attack.

¹ <https://www.theatlantic.com/politics/archive/2021/05/gops-critical-race-theory-fixation-explained/618828/>

² <https://time.com/5891138/critical-race-theory-explained/>

³ <https://www.usnews.com/news/national-news/articles/what-is-critical-race-theory-and-why-are-people-so-upset-about-it>

See also https://en.wikipedia.org/wiki/Critical_race_theory

⁴ <https://www.texastribune.org/2021/06/22/texas-critical-race-theory-explained/>

⁵ <https://www.texastribune.org/2021/06/22/texas-critical-race-theory-explained/>

⁶ <https://www.usnews.com/news/national-news/articles/what-is-critical-race-theory-and-why-are-people-so-upset-about-it>

⁷ <https://time.com/5891138/critical-race-theory-explained/>

⁸ <https://www.theatlantic.com/politics/archive/2021/05/gops-critical-race-theory-fixation-explained/618828/>

⁹ <https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory>

¹⁰ <https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory>

¹¹ <https://www.usnews.com/news/national-news/articles/what-is-critical-race-theory-and-why-are-people-so-upset-about-it>

¹² <https://www.brookings.edu/blog/fixgov/2021/07/02/why-are-states-banning-critical-race-theory/>

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- ¹³ <https://www.texastribune.org/2021/06/22/texas-critical-race-theory-explained/>
- ¹⁴ <https://www.politico.com/news/magazine/2021/07/07/could-a-school-board-fight-over-critical-race-theory-help-turn-virginia-red-498453>
- ¹⁵ <https://www.pilotonline.com/news/education/vp-nw-critical-race-theory-faq-20210709-bldoz455wbc4vbezbtbw3hqxf34-story.html>
- ¹⁶ <https://www.theatlantic.com/ideas/archive/2021/07/opponents-critical-race-theory-are-arguing-themselves/619391/>
- ¹⁷ <https://www.newyorker.com/news/annals-of-inquiry/how-a-conservative-activist-invented-the-conflict-over-critical-race-theory>
- ¹⁸ <https://www.brookings.edu/blog/fixgov/2021/07/02/why-are-states-banning-critical-race-theory/>
- ¹⁹ <https://www.brookings.edu/blog/fixgov/2021/07/02/why-are-states-banning-critical-race-theory/>
- ²⁰ <https://www.texastribune.org/2021/06/22/texas-critical-race-theory-explained/>
- ²¹ <https://www.brookings.edu/blog/fixgov/2021/07/02/why-are-states-banning-critical-race-theory/>
- ²² https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/
- ²³ <https://www.brookings.edu/blog/fixgov/2021/07/02/why-are-states-banning-critical-race-theory/>
- ²⁴ https://goldwaterinstitute.org/criticalracetheory/?gclid=EAIaIQobChMI35j68tP-8QIVQQp9Ch16nAf7EAAYAAEgID6PD_BwE
- ²⁵ https://www.fairfaxtimes.com/articles/yes-virginia-there-is-critical-race-theory-in-our-schools/article_ba449c18-cf99-11eb-a719-4bfc9103236c.html
- ²⁶ https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/
- ²⁷ https://en.wikipedia.org/wiki/Critical_theory
- ²⁸ https://www.philanthropyroundtable.org/home/blog/post/roundtable/2021/03/24/the-critical-race-training-juggernaut-has-it-reached-your-school-district-yet?gclid=EAIaIQobChMI35j68tP-8QIVQQp9Ch16nAf7EAAYASAAEgKa7vD_BwE
- ²⁹ <https://news.columbia.edu/news/what-critical-race-theory-and-why-everyone-talking-about-it-0>