

Critical race theory's opponents are sure it's bad. Whatever it is.

[washingtonpost.com/outlook/critical-race-theory-law-systemic-racism/2021/07/02/6abe7590-d9f5-11eb-8fb8-aea56b785b00_story.html](https://www.washingtonpost.com/outlook/critical-race-theory-law-systemic-racism/2021/07/02/6abe7590-d9f5-11eb-8fb8-aea56b785b00_story.html)

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Sen. Josh Hawley (R-Mo.) held up the Senate confirmation of one of President Biden's nominees "because of her history promoting radical critical race theorists," Hawley's spokeswoman said. Delivering a speech in June pretty clearly aimed at bolstering his political prospects, former vice president Mike Pence said that "critical race theory teaches children as young as kindergarten to be ashamed of their skin color."



Wrong.

"The critical race theory (CRT) movement," explain legal scholars Richard Delgado and Jean Stefancic, "is a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power." Its most direct academic origins can be found in the work of the late Harvard law professor Derrick Bell, who rigorously challenged mainstream liberal narratives of steady racial progress, illustrating how landmark legislation — the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968 — failed to deliver liberty and justice for Black Americans.

The concept is certainly left-leaning, and it shakes up the traditional story of America as the unalloyed land of the free. But its central contention isn't particularly radical or difficult to grasp. Far from preaching anti-Whiteness or Black victimhood, or rejecting individual rights, critical race theorists seek to explain how our laws and institutions — colorblind in theory — continue to circumscribe the rights of racial minorities. In the post-Jim Crow, post-Brown v. Board era, they ask, why and how do race and racism continue to play a constitutive role in America?

What developed as a framework for interrogating racial dynamics in American legal institutions influenced academics in neighboring disciplines, notably including sociologist Eduardo Bonilla-Silva's conceptualization of "color-blind racism," philosopher Charles W. Mills's notion of a "racial contract" and education scholar Gloria Ladson-Billings's analysis of the racial achievement gap. These works helped reinforce the insight that our country's severe racial inequities are deeply embedded in social structures, so any serious attempts to rectify our racist history will necessarily involve structural reform; diversity seminars are not reparations.

Today, elite law schools across the country offer courses in critical race theory. Yale Law regularly hosts a critical race theory conference, and UCLA Law's critical race studies program organizes an annual symposium with speakers from various disciplines. Contrary to

critics who've portrayed the idea as mere leftist folderol, these are scholarly efforts to assess the impact of race in the law and society. As an academic school of thought, you can take critical race theory or leave it — and many do.

For some, the idea that American justice isn't completely colorblind, or that "racism" can mean more than explicit, individual hatred, is simply a bridge too far. But often, rather than constructively engaging critical race theorists' core argument, many conservatives have preferred to contort the theory in order to claim that it is itself racist, applying their trumped-up definition to nearly any kind of discussion of racial injustice in America. And then they attack *that* as un-American — or worse.

On Newsmax TV, former Bill Clinton adviser Dick Morris suggested that for biracial kids with a White father and a Black mother, critical race theory might "reinforce the Oedipal notion all kids have of wanting to kill their father and marry their mother." Televangelist Pat Robertson asserted that CRT declares "people of color have to rise up and overtake their oppressors" and "instruct their White neighbors how to behave." Rep. Mark Green (R-Tenn.) tweeted, "Critical Race Theory destroys unit cohesion necessary to win in combat and defend this nation."

Some of this traces back to the work of the Manhattan Institute's Christopher Rufo, whose influence on the right has waxed as he pursues a self-declared "one-man war against critical race theory," publishing a raft of articles this year alone. In May, Rufo boasted of his new influence, tweeting that his D.C. trip itinerary included a speech to House Republicans and meetings with the staffs of GOP Sens. Mitch McConnell, Tom Cotton and Hawley. He has suggested that the ideology of the Ku Klux Klan is "a simple transposition of critical race theory's basic tenets."

The goal seems to be to banish, if not to ban, all critical discussion of the impact of race in American life today. Consider Rufo's insistence in a recent tweet that any school district material invoking the concepts of "Whiteness, White privilege, White fragility, Oppressor/oppressed, Intersectionality, Systemic racism, Spirit murder, Equity, Antiracism, Collective guilt [or] Affinity spaces" is guilty of teaching critical race theory.

He's among the culture warriors whose vilifications of critical race theory rarely make an effort to grapple with a straightforward proposition: that our facially neutral system of laws can and does produce unjust racial disparities, such as those we see in sentencing and in police violence. And his crusade has trickled down. In December, Turning Point USA's Charlie Kirk, an activist who once toured with Donald Trump Jr., defined critical race theory as the belief that "racism is in the air, it's in our bones, it's in our DNA"; the idea, in his words, that "no progress has been made whatsoever" on race; one that is taking "the racism that once existed in the American South, and now weaponizing it against people that looked like the people that used to be the terrorists," pushing the "belief that there are no individuals" and "trying to destroy" Western civilization; and "the most racist thing that is being spread in popular life in America — it is no different than the teaching of the KKK."

For most, the moral panic around critical race theory isn't that intense, but the phrase can still be a stand-in for those who chafe at even the notion of systemic racism. Think of the aggrieved [letter](#) written by a parent at New York's Brearley School, and published by polemicist Bari Weiss, ripping the school for "adopting critical race theory" and shrinking systemic racism to this definition: "Systemic racism, properly understood, is segregated schools and separate lunch counters. It is the interning of Japanese and the exterminating of Jews. . . . We have not had systemic racism against Blacks in this country since the civil rights reforms of the 1960s."

No critical race theorist denies that there is a debate to be had about the contours of systemic racism; none would dispute that debates about systemic or institutional racism have moved beyond law school classrooms. But having those discussions isn't planting anti-White hatred or resigning people of color to perpetual status as victims of it. And teaching the history of racial movements, tensions and atrocities — and why their impact is still felt today — isn't indoctrination; it's part of a basic introduction to American history, which should take place before a fruitful conversation about the strengths and weaknesses of critical race theory can get off the ground.

No one on the right can credibly say "racism is a thing of the past" or "America is a colorblind society" because that kind of blanket statement rings hollow when the last hundred years have been bookended by [the Tulsa massacre](#) and the murder of George Floyd. Nor can they flatly submit that difficult conversations about race are out of bounds. Instead, they aim their objections at an academic-sounding theory that connotes patriotically incorrect elitism.

"Critical race theory" has become familiar enough for figures on the right to use it as an almost comically broad catchall: In a two-minute span on the Senate floor, Hawley [said](#) the theory "appears to have become the animating ideology" of Biden's administration and that anti-racist scholar Ibram X. Kendi advocates "state sanctioned racism." But the phrase remains just unfamiliar enough to excuse most of its critics from articulating their specific objections: When Kendi [says](#), "The heartbeat of racism is denial," instead of offering good-faith counterarguments, many of his skeptics write him off as an anti-White race hustler. They're less apt to point out that he devotes a chapter of his book "[How to Be an Antiracist](#)" to criticizing anti-White racism. Or to note that Kendi, who acknowledges critical race theory's influence, [doesn't identify as a critical race theorist](#).

Arguably the greatest success of this disinformation campaign has been its ability to convince parents across the country that critical race theory poses a real threat in the classroom. (As if grade-schoolers nationwide are suddenly unpacking the relationship between redlining and today's racial wealth gap.) Loudoun County, Va., parent Shawntel Cooper's characterization of the theory as "a tactic that was used by Hitler and the Ku Klux Klan" secured her an [interview](#) with Fox News's Tucker Carlson. Tatiana Ibrahim, a parent in Carmel, N.Y., [accused](#) the school district there of implementing "Black Panther indoctrination," "teaching our children to go out and murder our police officers," and "demoralizing" students "by teaching them communist values." She, too, landed a Fox [interview](#).

Some people see it as their duty to defend a stock American narrative against the complicating realities of racism and inequality — fair enough. But there’s a difference between rejecting an analytical framework and wholly misrepresenting it. And between intellectual criticism and race-baiting demagoguery.

By this point, the campaign against the theory, and the phrase, isn’t even camouflaged. In March, Rufo tweeted: “We have successfully frozen their brand — ‘critical race theory’ — into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category.” “To win the war against wokeness,” he wrote in April, “we have to create persuasive language. From now on, we should refer to critical race theory in education as ‘state-sanctioned racism.’ That’s the new weapon in the language war.” (This past week, he dialed the idea back in a Wall Street Journal op-ed, making the narrower case that the “Battle Over Critical Race Theory” isn’t about some “exercise in promoting racial sensitivity or understanding history,” but rather, he says, about shunning a “radical ideology.”)

It’s plain. Today’s attacks on critical race theory aren’t meant to rebut its main arguments. They’re meant to paint it with such broad brushstrokes that any basic effort to reckon with the causes and impact of racism in our society can be demonized and dismissed.