



Critical Race Theory (CRT)

Racism, Race & Power

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Originators of CRT

- Derrick Bell
- Kimberlé Crenshaw
- Cheryl Harris
- Richard Delgado
- Mari Matsuda
- Patricia Williams
- Gloria Ladson-Billings
- Tara Yosso
- Others



Principles of CRT Practice

Race is not biologically real but is socially constructed and socially significant

Racism is a normal feature of society and is embedded within systems and institutions, like the legal system, that replicate racial inequality

Racism is codified in law, embedded in structures, and woven into public policy

Relevance of people's everyday lives to scholarship

CRT Transcends a Black/white Racial Binary

Latinx--LatCrit

Native Americans--TribalCrit

Asian Americans – AsianCRT



CRT Challenges White Privilege

- Exposes deficit-informed research that ignores, and often omits, the scholarship of people of color



CRT & the Legal Academy

- CRT began in the legal academy in the 1970s and grew in the 1980s and 1990s.
- It persists as a field of inquiry in the legal field and in other areas of scholarship.
- Mari Matsuda described CRT as the work of progressive legal scholars seeking to address the role of racism in the law and the work to eliminate it and other configurations of subordination



CRT & Critical Legal Studies (CLS)

- CRT grew from Critical Legal Studies (CLS), which argued that the law was not objective or apolitical. CLS was a significant departure from earlier conceptions of the law (and other fields of scholarship) as objective, neutral, principled, and dissociated from social or political considerations.
- Like proponents of CLS, critical race theorists recognized that the law could be complicit in maintaining an unjust social order.

Dr. Robinson's Big Question

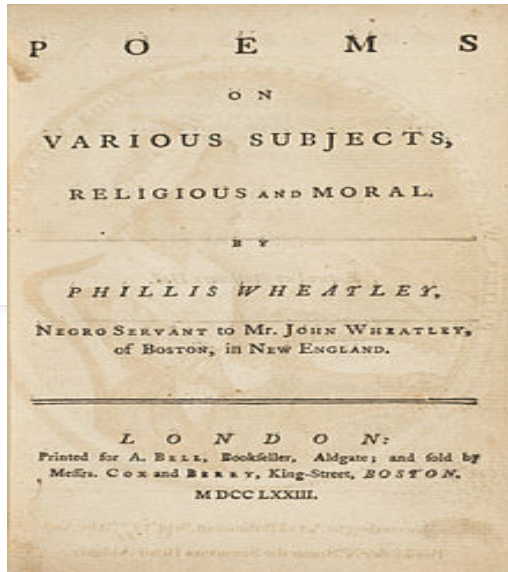
- The big question I am seeking to answer in my book project is whether early Black writers develop a collective literary radical voice in early America.
- I argue that there was a collective voice percolating in early Black writing in which they spoke with awareness, concern, and exasperation regarding the plight and lack of concern for Black lives.
- I assert that the literary voice initiated in early America became the foundation in which Black writers built a radical intellectual tradition found in the writers of the contemporary Black Lives Matter movement.





A Revolutionary Term

- I coin the term “Indignant Dignity” to assert that early Black writers developed a distinctive Black literary voice in early America.
- It was a voice filled with dignity as Early Black Americans spoke with a cultural awareness of the social-political conversations developing in Western civilization.
- Early Black writers spoke with a concern about the circumstances of their American experience. They created a literary prose that was cool under scrutiny as they wrote within the literary, cultural, and social conversations of their period.
- Yet, early Black writers also showed their feelings of exasperation by interrogating western societies founding documents and cultural symbols to make an argument for why Black Lives Matter. I also see the same rhetorical literary tradition flowing throughout the writings of Black Americans from the eighteenth century to the Black Lives Matter movement.



The Black Radical Literary Tradition

On Being Brought From Africa to America

"Twas mercy brought me from my Pagan land,
Taught my benighted soul to understand
That there's a God, that there's a Saviour too:
Once I redemption neither sought nor knew.
Some view our sable race with scornful eye,
"Their colour is a diabolic die."
Remember, Christians, Negros, black as Cain,
May be refin'd and join th'angelic train.



Racism & the Education System

- Troops escorting nine Black students to integrate Little Rock Central High School.
- Ruby Bridges being escorted into a New Orleans Elementary School by armed guards six years after the U.S. Supreme Court invalidated racially segregated education in *Brown v. Board of Education* (1954).
- Those moments are just snapshots of the intersection of racism, the law, and the education system.

https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/



CRT & Education

- The late Harvard Law Professor Derrick Bell, in *Brown v. Board of Education and the Interest-Convergence Dilemma*, noted that the Fourteenth Amendment alone could not effectively promote racial equality for Black people where such a remedy threatened the superior social status of wealthy white people. Further, Bell noted that *Brown* was decided the way it was because of what he termed “interest convergence,” which is the recognition that the interests of Black people in achieving racial equality will be accommodated only when it converges with the interests of white people.



Limitations of Legal Interventions

- The limitations of legal interventions have led to current manifestations of racial inequality in education, including:
 - Predominance of curriculum that excludes the history and lived experiences of Americans of color and imposes a dominant white narrative of history;
 - Deficit-oriented instruction that characterizes students of color as in need of remediation;
 - Narrow assessments, the results of which are used to confirm narratives about the ineducability of children of color;

Limitations of Legal Interventions Continued

- School discipline policies that disproportionately impact students of color and compromise their educational outcomes (such as dress code policies prohibiting natural Black hairstyles);
- School funding inequities, including the persistent underfunding of property-poor districts, many of which are composed primarily of children of color; and



CRT Call to Action

- CRT calls for a radical reordering of society and a reckoning with the structures and systems that intersect to perpetuate racial inequality
- necessitates an examination of the legal system and the ways it reproduces racial injustice
- centering of the stories and voices of those who are impacted by the laws, systems, and structures that so many civil rights advocates work to improve.
- Abandonment of a deficit approach that perceives those impacted by unjust laws and policies as deficient, defective, or helpless.
- Recognize that these individuals have stories, histories, and knowledge that are worth acknowledging, learning about, and centering.



CRT Call to Action

- Devising legal and policy interventions to address racial inequality
- Considering unintended consequences of proposed remedies, addressing intersecting policies and structures, and acting intentionally to ensure that harm is not further replicated by the legal system.
- Demands challenging the status quo of racial inequality that has persisted for far too long in this nation and exploring how the law and lawyers can help to finally upend it



The Misunderstanding of CRT

- It has been distorted and attacked.
- Continues to change and evolve.
- The hope in CRT is in its recognition that the same policies, structures, and scholarship that can function to disenfranchise and oppress so many also holds the potential to emancipate and empower many. It provides a lens through which the civil rights lawyer can imagine a more just nation.