

Dialoguing with Critical Race Theory

Constitutional and Christian Links

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Series in Philosophy of Race



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Acknowledgments

This dedication is really to a community, to the Black community and its courage, creativity and leadership. I've been a fan. These words are written

In hopes that together we might make it the day when King's Dream, DuBois' vision of the Awakening of the vigor of Black souls sweeping irresistibly toward the Goal, and even the realization of Bell's conviction that the Something Real for Black people is not far off.

Chapter 1

Critical Race Theory: What Americans Are Saying About It

Want to pick a fight with someone? Mention Critical Race Theory, and there is a chance you can get into an argument, especially if your partner is of a different race, different social class, or different educational background. If you have different understandings of what the Civil Rights Movement achieved, you and your partner are also likely to squabble over CRT. Critical Race Theory (CRT) is a cross-disciplinary approach used by lawyers, sociologists, and civil rights activists to explain how to do something about the fact that laws, socio-political institutions (including educational institutions), and media shape and are shaped by conceptions of race and ethnicity. One of its goals is to challenge the prevailing notions of racism and racial justice. It has been linked in pop culture to The 1619 Project, a journalistic endeavor developed by *New York Times* writers to reframe U.S. history by placing the consequences of slavery at the center of the nation's national narrative. Some contend that Critical Race Theory is a creation of the political Right or of the media. But the next chapter will quickly dispatch that nonsense as we examine the theory's origins in the upper echelons of legal scholarship.

Before 1993 the term "Critical Race Theory" received no attention in the general public. Indeed, the movement was just being developed, but that year, it surfaced when Bill Clinton's nominee Lani Guinier as Assistant Attorney General for Civil Rights was stifled when Guinier was identified with Critical Race Theory.

In 2010 the developed theory got some press coverage when a primer on CRT was banned from Tucson, Arizona, schools as a result of a state law forbidding race-conscious education in Arizona public schools. (The law was later deemed unconstitutional.) But CRT really owes its pop-culture renown to Donald Trump! In both the run-up to the 2020 Presidential election and its aftermath, Trump and conservative commentators made opposition to Critical Race Theory a significant campaign theme. He expressly denounced it in a September 17, 2020 speech, and during that month, he also issued an executive order directing all agencies of the federal government to cease funding of all programs that mention white privilege or Critical Race Theory (see the 2020 memorandum written on behalf of the President by Russell Vaught). The

agenda of these programs was said to be divisive, un-American, and racist. To that list, a lot of Evangelical Christians have added that CRT is un-Christian.

Conservative organizations, their think tanks like the Heritage Foundation, American Legislative Exchange Council, and most anything the Koch brothers subsidize, as well as conservative media have continued the critique of CRT. There is a lot at stake for conservatives, especially according to Sociologist Carol Swain. She notes in *Black Eye for America* (p.55) that CRT has significantly impacted both the media and the academy. Brookings Institute reported that in the final months of 2021, it was mentioned 13,000 times on Fox News. It is perhaps receiving a little less attention in conservative media today. For as of early 2024, 18 States had banned the teaching of Critical Race Theory in their schools. It has become the bogeyman for those unwilling to acknowledge our nation's racist history and its continuing effects, or a code phrase to this constituency for any person or idea who wants to contend that systemic racism and injustice are still issues to address today in America. There is evidence that these developments have been deliberate, as a quote from a leader of the anti-Critical Race Theory Movement Christopher Rufo notes the critics' strategies:

We have successfully frozen their brain – “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... The goal is to have the public read something crazy in the newspaper and immediately think “critical race theory.” We have decodified the term and will recodify it to annex the entire range of cultural constructions that are unpopular with Americans. (reported by Meckler and Dawsey)

Numerous books against CRT written by conservatives have appeared, including *Cynical Theories* (in 2020) by Helen Pluckrose and James Lindsay, as well as *Fault Lines* (2021) by Voddie Baucham and *Irresistible Revolution* (also in 2021) by Matthew Lohmeier. In accord with Rufo's strategies, a conservative expert in Educational Theory, Jonathan Butcher (*Splintered*, pp.208-212) has even contended that Critical Race Theory is taught in American schools today. (But he points out only a few such schools, and makes his point by identifying schools claiming all institutions are racist as CRT, a bit of a stretch as we will observe.)

There is evidence that these dynamics explain or are at least related to the ever-growing number of States and local school boards (under Republican domination) which are banning CRT in their educational systems. At last report educational gag orders inhibiting the teaching of any race theory (including Critical Race Theory) in state schools and universities had been filed in 9 State Legislatures in addition to the 18 which already have laws to this effect on the

books. It is little wonder that anger about these actions would be articulated in segments of the Black community, as the NAACP has condemned such actions for effectively denying students glimpses of slavery and oppression as viewed from a Black perspective. Don't these sentiments make sense?

Why all the furor from the Right? Conservative scholar Carol Swain and her co-author Mark Schorr claim that Critical Race Theory pits “the people” against “elites” (p.60). The conservative think tank Heritage Foundation and the Moms for America organization well express reasons for the backlash. Critical Race Theory is said to be rooted in Marxism, substituting “racial groups” for “economic classes” as what drives history and economics (Swain and Schorr, esp. pp. 13,17,21ff.; Butcher, pp.168-169,208,262). Swain and Schorr go so far as even to label CRT as itself racist (pp.,18; cf. Butcher, pp.44ff.).

CRT is said incorrectly to make race the prism through which proponents analyze all aspects of American life (much like the 1619 Project has). In so doing, it contributes to division in America. As such, the theory promotes both explicit racism (Black against white) and racial guilt in white children (especially with its idea of implicit biases and calls for white students to “renounce their whiteness”). Swain and Schorr (p.50) contend that this is a violation of the Constitution's 14th Amendment and its protection of the learning environment from hostilities on the basis of race. In fact, according to Carol Swain (January 9, 2020; January 15, 2020; January 22, 2020), CRT posits that the experience of people from marginalized groups has more weight than the experience of mainstreamed (white groups). Swain and her colleague Christopher Schorr (p.15) also lament that CRT will not allow any Black-white collaboration unless both parties benefit.

Conservative Educational theorist Jonathan Butcher (*Splintered*, pp.17-18,102-106) contends that several pro-CRT state public-school and private school curricula design coursework that does not consider America as a land of opportunity in which we are all Americans, but rather portray us as members of different tribes, competing for power. College campuses also host CRT commitments (Butcher, pp.119-160). Indeed, Swain and her co-author (p.29) cite numerous examples of how CRT's implementation in our schools effectively demeans white students. For example, in Illinois, 7th and 8th grade students were told to remain silent and lower their eyes (a gesture of submission) while being taught by their CRT instructor. In New York, white employees were instructed that their racial identity is “toxicity in the air.”

Jonathan Butcher (pp.68-70,76) contends that even the development of new Math techniques which intersperse mathematical instruction with instruction on social responsibility and critiques of capitalist imperialism (so-called Equitable Math) is a child of Critical Race Theory. Butcher (pp.107ff.) also notes how Critical Race Theory suppositions have impacted Anti-bias Training,

which has itself become a big business, garnering over \$8 billion a year from businesses employing these services. His hypotheses and the actions of school districts against Critical Race Theory are all the more baffling insofar as CRT is not just one thing. In fact, we'll note that it is more a movement endorsing some common themes, but also reflects a fair share of diversity among its proponents.

In the case of some Evangelical Christian critics, the points we have just noted lead to the charge of CRT's un-Christian character, for it is overlooking the possibility and power of redemption (Swain and Schorr, pp.40-41). It also is said to undermine the Christian belief in the unity of all people (*Ibid.*, p.74). Rather than advocate Christian principles of love of the neighbor, it is alleged that CRT is rooted in conflict and the perpetual search for enemies, oppressors, and victims (Butcher, pp.176,188ff.). In addition, Swain and Schorr (pp.10-11) contend that CRT confers godlike characteristics on whites, as all that happens to Blacks is understood as the creation of every malady Blacks face. They also contend that anti-racism has become a new religion (pp.44-45). As Evangelicals, Swain and Schorr also contend that mainline Protestantism has been coopted by CRT (p.57).

Critical Race Theory is said by its critics to seek to end discrimination by discriminating (Swain and Schorr, pp.52-53; see this affirmation by Ibram Kendi in *Summary: How To Be an Antiracist*, pp.18-19). Educational theorist Jonathan Butcher (p.26) observes that CRT is undertaking efforts to have children learn to treat people based on the color of their skin. Benjamin Carson ("Foreward," *Black Eye for America*, p.xv) who served in the Trump administration has chimed in on these points and blamed CRT for contributing to the present polarization which characterizes American society. Carol Swain (*Black Eye for America*, p.1) contends that CRT has spawned the "cancel culture" as well as racially segregated dormitories on college campuses. She also contends that CRT rejects science, reason, and objectivity as "white" (p.18). According to Jonathan Butcher (pp.144,205), genuine communication is precluded by CRT and its commitment to subjectivity and perspectival interpretation of everything said or written. As we have noted, these allegations entail the charge that CRT challenges the values of classic liberalism (*Black Eye for America*, pp.30-31; Butcher, p.165).

A further critique of CRT emerges from its practitioners' claim that all acts of the white majority entail racism. It is argued against this possibly valid point that if Blacks were so delicate to take offense and suffer trauma from microaggressions, that in itself is denigrating to African Americans (Butcher, p.155).

It is not surprising then that critics also allege that CRT claims regarding America and its Constitution being rooted in white privilege aim at undermining patriotism and the American Dream (Butcher, pp.27,51,166,180-181). The CRT claims that racism can never be overcome and its corresponding belief that

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