

What Critical Race Theory Is, What It Isn't, And Why It Is Important, You Should Know: A Call to Action

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Abstract

Despite emerging from legal scholars in the 1970s, the term Critical Race Theory is currently at the forefront with increased attention focused on its framework and its use to explore and analyze racism in education. While this has led to school districts examining structural racism and making equitable changes, a subsequent backlash has also occurred. Critical Race Theory's use and application have become part of a contentious debate and there is a misunderstanding about what the theory entails and misperceptions to how it is being used. Forty-one states have passed legislation banning the teaching of Critical Race Theory and concepts associated with it while others have created systems to report complaints of the framework's use and penalize educators. The purpose of this call to action is to open lines of communication, create dialogue and break down the truth about Critical Race Theory.

Keywords: Critical Race Theory, education, racism, history, inequity

Introduction

The aim of this paper is a call to action to open lines of communication, define the legal framework of Critical Race Theory (CRT), and present reasons for and against CRT being taught in American colleges and universities. In light of the on-going debate on the place of CRT in schools, this article aims to add to the dialogue on its importance and to explore what the impact of banning it will have on everyone. Such a conversation is timely because discussions related to race and racism are at the core of American culture (Martinot, 2000). Racism and racial

discrimination within the United States are prevalent and build into the historical structure of the country. According to Stanfield (1991), racism is “most fundamentally a synchronized, political, economic, and structural problem rooted in complex historical and cultural processes and produced and stabilized through a number of psychological complexities.” (p. 243). Broman et al. (2000), describe discrimination as “practices and actions of dominant racial and ethnic groups that have a differential and negative impact on subordinate racial and ethnic groups” (p. 165). These complexities are the reasons why we need to challenge these preconceived notions that tend to become a part of our existence in society.

Beginning with the utilization of slave labor within the United States, there has long been a color divide within the framework of laws and policies enacted by the legislative body of the United State of America. Since being brought over as enslaved people, African Americans have been seen as and legislated under the constitution as 3/5ths of a person (McLaughlin, 2021), despite the fact that there is no distinguishable biological difference between people of color and non-people of color (Edgar, 2009).

The enactment of Jim Crow laws maintained a race-based hierarchy within this country long after the ending of slavery. Still today, African Americans continue to experience different societal norms, expectations, and inequitable treatment within the United States (Richomme, 2014). This can mainly be seen in the recent voter restriction laws that are being enacted in some states and in single-family zoning (Bobo, 2011; Morgan, 2022). There appears to be an internalized racism which, though previously covert, has now become overt and drives the implementation of some policies and laws within this country geared at the disenfranchisement of the African American community (Lee, 2010). This internalized racism has been driven to the forefront by verbalized rhetoric throughout the past few years by the more conservative segment of the American population further adding to the schism between people of color and non-people of color.

Defining Critical Race Theory

Critical Race Theory (CRT), born out of feminism and critical legal studies, was conceptualized in response to the belief among legal scholars that felt racial mobility was absent after the Civil Rights Movement (Bell, 2018). CRT as a framework started as Critical Legal Studies and developed in the field of law in the 1970s and 80s in response to the belief that race, and racism were the basis by which society established ordinances and policies that adversely

impacted minorities. CRT posits that the law and the legal system, as it stands, are in themselves a racist structure that seeks to maintain the unequal status quo of justice based on race alone (Kolivoski et al., 2014). CRT assumes that the structure of the justice system is intrinsically racist.

CRT focuses on examining institutional and legislative structures, not individuals. As a framework, it facilitates changing the inequities of racism woven into the fabric of our systems that negatively affect people of color (Delgado & Stefancic, 2017). While there are multiple viewpoints on the subject, CRT's importance is an essential part of our nation's history. One of the key proponents for CRT is to rethink, expose, and transform oppressor/oppressed relations in the overall struggle towards liberation (Cabrera, 2018). Further, Kolivoski et al, (2014) state that "the cornerstone of Critical Race Theory is the assertion that racism, in the context of the usual way of conducting business in the United States, is normalized and constantly perpetuated through social structures and institutions" (p. 270). Dixson (2018) expresses that Critical Race theorists believe that "the law played a specific role in reifying racial subordination and inequity" (p. 129). CRT addresses the lack of openness related to racism towards objectivity and equality under the law among dominant groups and changing marginalized groups' policies (Rector-Aranda, 2016).

While CRT speaks to many of the same issues at the forefront of the civil rights movement, it includes a broader view that envisions the racially based historical framework of inequity within the systemic structure of this country (Delgado, & Stefancic 2017). CRT based counter-narratives help us understand the full history of our country. It gives a voice to all people and helps us understand what led us to a power differential in this country. It also allows for us to consider how marginalized identities such as gender, class, and disabilities are also often overlooked and how these different facets can intersect. Education around an unjust structure should be of paramount importance to all members of society, regardless of racial makeup, as policies that adversely impact one segment of the population impact all segments of the population (Lang, 2020).

Possessing an understanding of CRT only provides additional context, whether good or bad of the structure and foundation of laws and societal norms that color the nation's fabric. Context allows for a deeper understanding of the concept at hand. It, therefore, allows for critical thought around the existence of these structures and how to legislate a more equitable society.

By being able to place into the social and/or legislative context, relative to race, the thought that a structure of beliefs and ideologies about one segment of the population should lead to inequitable treatment of that population is, in itself, a racist ideology. CRT counters this ideology in that it conceptualizes the understanding that, on the sole basis of race, societal norms and laws have been legislated and upheld within this country since its inception. The understanding of CRT will allow individuals to comprehend their role in society, vis-à-vis their racial standing.

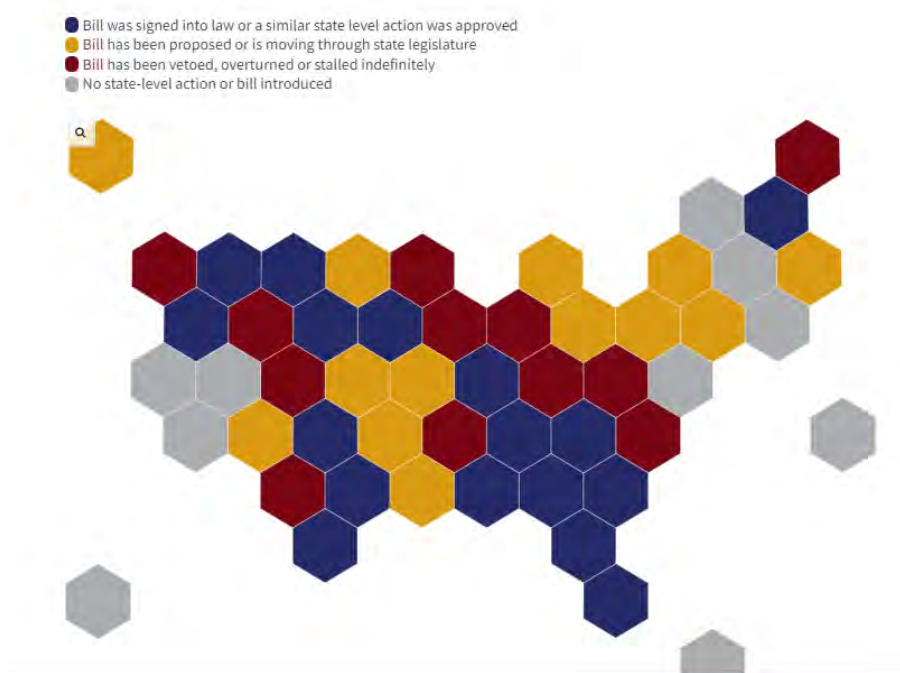
Critical Race Theory in Contemporary America

Currently, in our nation, there is a contentious and controversial debate over whether to teach CRT in schools. Even though CRT is not something taught in the K-12 curriculum, but rather in graduate studies (Cornish, 2022; Harrison, 2021; Morgan et al., 2021), as of January 2021, 42 states have laws pending or have already passed bills against teaching CRT in K-12 schools (see Figure 1). Lawmakers backing the ban claim that CRT promotes harmful ideologies. They argue that the framework suggests that our nation is intrinsically evil and inherently racist, that White people should not feel guilty about the sins of the past and believe it will teach kids to hate one another (Iati, 2021).

Early political resistance against CRT was fueled by manufactured fear created by Christopher Rufo, a senior fellow at the Manhattan Institute and a leading opponent of CRT. Rufo acknowledged intentionally using the term to describe topics of race and to conjure a negative association of the phrase. Specifically, Christopher Rufo (@realchrisrufo, 2021) stated:

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 the various cultural insanities under that brand category. The goal is to have the public read something crazy in the newspaper and I immediately think ‘critical race theory’.

In September 2020, Rufo was invited to a conservative news show to discuss CRT, and he called upon then President Trump to issue an executive order to abolish CRT training in the federal government. The next day Rufo received a call from the Presidential Chief of Staff asking him to help draft an executive order banning federally funded institutions and contractors from using CRT, from conducting racial and cultural sensitivity training, and placing limitations on how diversity seminars can address race (Harris, 2021).

Figure 1*States with Bills Against CRT in K-12 Schools*

From Schwartz, S. (2021, June). Where Critical Race Theory Is Under Attack. *Education Week*.

<https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06> Visualizations by Emma Patti Harris and Eesha Pendharkar. In the public domain.

In the aftermath, conservative critics effectively continued to use the framework as a catchall phrase, coining the term to misleadingly have negative connotations. Recently a Utah School Board Member, in a public presentation, offered a list of euphemisms for CRT, which included anti-racism, social justice, Equity, Diversity and Inclusion, and Social Emotional Learning (Iati, 2021). This incorrectly equates CRT with these topics and this type of response has insidiously fueled the backlash that Rufo has sought.

CRT is being used as a political tool by conservatives to stop training on diversity, equity, and inclusion, to remove culturally relevant teaching, and prevent education on the history of racism. Scholars see politicians are using the term as a red herring and weaponizing it for use in the 2022 and 2024 elections (Cornish, 2021; Morgan, 2022). The attempt to use the state to restrict teaching and research about race and racism is, in fact, worse than McCarthyism, because the red scare of the 1950s marginalized dissent and chilled the nation's campuses, but it did not interfere with matters such as curriculum or classroom teaching (Crenshaw, 2021). These

attempts serve only to threaten the very core of our democracy and freedom of speech setting more of a divide which is opposition of what Critical Race Theory is trying to prevent.

Opponents of CRT also see it as regressive and believe that the academic approach fails to see the progress made in eliminating racial inequities. They believe that CRT will focus too much on the messy and darker parts of U.S. history and not enough on the progress made (Flaherty, 2021). CRT does not however undermine or take away from the progress that has been made in our nation, it instead seeks to understand why racism continues to plague our institutions today, how these inequities impact our marginalized communities, and provides a lens to find real solutions to create a more equitable society (Jones, 2018). That's to say, it allows us to celebrate our accomplishments as a country and learn from our mistakes.

Critical Race Theory in Education

Education is essential as it teaches us about growth and open-mindedness; without these core critical components, there would be no development (Rector-Aranda, 2016). Racism is interlaced into our culture, ignites and fuels hatred, and disallows unity among others (Dixson, 2018). CRT aims to break down the barriers in education by introducing a more equal and engaging curriculum and recognizing mediating interactions with other issues relating to gender, sexuality, background, and citizenship status (Dixson, 2018). CRT examines racial disparities in standardized testing, discipline, and access to resources (Jones, 2018). Heightening students' understanding of racial knowledge gives them agency to acknowledge and resist forms of marginalization. Knowledge can then empower students to take action to promote social justice (Garcia, 2015).

Contrary to popular conservative rhetoric, CRT is not a divisive discourse meant to pit one race over another, nor purely the product of individual prejudice. It helps us understand events critically shaping our world today such as police brutality, voting restrictions, gender, and immigration rights. It is essential to bring awareness of the importance of education and when it becomes acceptable by others to determine what we teach, especially by government officials.

CRT allows society to do things differently by providing an intellectual movement and moving towards engagement, understanding, and analyzing historical linkages between injustices (Dixson, 2018). Doing so helps to examine the unconscious further for ingrained cumulative norms related to racism. It also allows us to rethink our preconceived notions about racial bias (Ortiz & Jani, 2010). In addition, it will enable society to reevaluate many institutional

interactions and develop ways of changing policies and restructuring our practices (Ortiz & Jani, 2010). Teaching through a CRT-informed lens helps students recognize and understand how racial inequality is embedded in our laws and policies. Although not appropriate for K-12 students, CRT does however have merit to be offered as a course in American colleges and universities. Teaching CRT as part of the post-secondary curriculum helps to reeducate our society, provide more equity, and rebuild our nation's educational foundation. There is a systemic structure within this country that deliberately attempts to maintain legislated racial discrimination. We need to address the fear of acknowledging the ugly parts of our history and how the consequences of those actions continue to permeate today's policymaking. This can start with having uncomfortable conversations about systemic racism, amplifying the voices of persons of color, and learning from the darker parts of our past to prevent them from reoccurring in the future and changing the way we teach about race in our nation. Silence is destructive and the educational void left by not providing a fully accurate perspective of how the racist history of this country adversely impacts our current society and the laws derived within, undermines any thought of fully healing our racial wounds. We need to work together, challenge societal structures, advance racial equity, and create a more just system where everyone can thrive. This can happen through embracing CRT in education.

Society, Race, and Curriculum

If racism and racial discrimination are systemic within the fabric and history of the United States, upholding that system of racism and racial discrimination is essential to maintaining social stratification based on race. It is consequently easy to understand the motivation behind the calls to remove CRT from the curriculum of educational institutions. (Greenfield, 2021). If the true, unedited history of this country were to be taught in post-secondary education, individuals would understand more fully the historical relevance of institutional and systemic racism and how those constructs have served to weaken the racial standing of people of color while upholding and uplifting the hierarchy that allows for the continued legislative and social inequities to persist.

There is a long-rooted relationship between societal events, issues of race in America, and curricula of K-12 and post-secondary education. Following the death of George Floyd, throughout the United States of America we saw a growing number of schools start to include history lessons from a Eurocentric curriculum and teach and showcase people of color's

achievements. Elevating the voices of those who experience discrimination daily and creating more equitable learning environments that have perpetuated exclusion allows society to reevaluate the lens of negatively attributing to the perception of people of color historically in the media. We should incorporate black history and all history into the main curriculum. This widens the foundation of our nation's history and away from the status quo.

Although the ruling of *Brown vs. the Board of Education*, in 1954, originally caused schools to be legally desegregated within the United States, still today there remains inequality within school systems (Birzer & Ellis, 2006). Further, we still can see the remnants of segregation in the fact that schools in areas that serve people of color predominantly are often under-funded (as funding usually is driven by the property tax base) and staffed with inexperienced teachers (Noguera & Alicea, 2020). Similarly, "historic social hierarchies of power embedded in school policies and practices lead to differential access to educational opportunities and are also associated with substantial educational and attainment gaps between minority students and their white peers" (Parson et al., 2018, p. 114). Educational policies, as they stand now, reinforce these educational differences.

Historically speaking, a commonly cited example is the Tulsa Race massacre and its aftermath in relation to education. On May 31, 1921, an enraged White mob killed 300 Black residents in Tulsa, Oklahoma, following a false claim by a White woman of being assaulted by a Black man (Jordan, 2021). Black residents in the Greenwood district, known as "Black Wall Street," were attacked, and their homes and businesses were destroyed. Despite this historical fact taking place one hundred years ago, it has remained secret for decades. No one has ever been held accountable for the deaths and destruction, and reparations were never made to the survivors.

However, recently historians and activists have brought the events of this painful day to our consciousness, bringing to light the tragedy and the massacre. We now hear the voices of three survivors who recently testified in front of the House Judiciary Committee to demand reparations. In 2020, the Oklahoma Board of Education added the Tulsa Race Massacre to its curriculum for the first time. Acknowledging this painful history and examining what led to it equips students to help prevent and eradicate such racial inequalities and understand their impact on the community today. Oklahoma, however, has recently passed House Bill 1775 which many see as banning Critical Race Theory in schools, therefore, taking away the lens through which

teachers can examine how the terror reigned on that day came to fruition. The bill says in part “An individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race.” (Oklahoma State Legislature, 2021). The legislation restricts schools from teaching specific topics on sex and race and some district leaders view it as an attempt to curb the critical dialogue that needs to take place to teach the full history of our country. “HB 1775 at its core, it’s just a flagrant attempt to limit conversations about race and accurate history, and mostly because it makes Americans that look like me—white—feel uncomfortable,” Oklahoma City Public Schools Board Chair Paula Lewis stated (Adger, 2021).

Our educational system must be truthful to our history and taught within classrooms to enrich the learning experience within education (Rector-Aranda, 2016). These conversations will allow us to continue the acknowledgments of our past, improve our systems, and make attempts at slowing down the wheel of racism that has perpetuated our society for far too long and continues today. Education is the platform that can foster a safe space to discuss uncomfortable topics. Education strips away any misconceptions, thus enhancing learning to lead to the exploration of intersectionality, race, acceptance, oppression, being marginalized and discriminated against, and ultimately fighting injustice (Cabrera, 2018). CRT was founded on the values and a commitment to transformative responses to racial, gender, and class oppression (Ortiz, & Jani, 2010).

CRT does not pretend to hide its intentions regarding the pursuit of overall social justice to those oppressed by society and antiquated system structures. In addition, CRT opens the paradigm to provide and educate towards a more equitable future (Dixson, 2018). Discussing this in the classroom allows scholars to assess and have a comprehensive view of history, enabling us to analyze the past to transform the future. Through the teaching of CRT in American colleges and universities, it is vital to have these uncomfortable conversations to invite dialogue among everyone. It is likewise imperative to provide a different narrative and different relevant viewpoints in the classroom (Rector-Aranda, 2016).

The Chilling Effect of Banning Critical Race Theory in Education

With this discourse and rhetoric, particularly by our leaders, it is not surprising there is divisiveness. Those in power have been intellectually dishonest about CRT and purposefully misinterpreting it for political gain by exploiting the lack of information people have on a

decade's old legal framework by preying upon their fears. Because CRT is a relevant research-based framework that examines systemic racism, it gives us a lens to understand the inequities in our country, hear all voices, and find solutions for racial equity. If we are fearful of addressing these inequities, we will not make these systems equal for all students. What is more harmful is removing this lens from which teachers can use to approach students to help them examine the role of racism in our society.

The banning of the teaching CRT silences individuals and educators and produces an alternate version of our history. It becomes one that obliterates the legacy of discrimination and the ability to teach and talk accurately about racism in our schools (Sykes & Hinger, 2021). New legislation puts restrictions on educators regarding content that may make students uncomfortable (Morgan, 2022). The ban gags college and university professors and students from talking about issues that affect all of society and suppresses speech - which is often a central talking point of protection for these same conservative lawmakers. Conservatives have backed think tanks and media outlets to encourage parents/guardians to report educators/administrators if they are teaching CRT which has led to fights outside board of education meetings and has left communities divided. Educators at all levels are now put in a position where they may be fearful of repercussions based on what they teach and under pressure to suppress their speech at a time when these conversations on racial justice are critical. Free speech activists see these efforts and bills banning CRT as ways to scare off institutions from discussing systemic racism and silencing the voices and experiences of the marginalized (Harris, 2021).

Banning CRT is the equivalent to silencing educators and students, denying people of color opportunities to share their lived experiences, and censoring discussions of race in the classroom (Sykes & Hinger, 2021). It sets back the progress made in addressing systemic racism and takes away from young people an inclusive education while also blatantly suppressing speech about race. The ban also risks creating classrooms where students of color feel isolated and unwelcome (Sykes & Hinger, 2021). These conversations are critical to helping students of color to feel connected and valued and lead to academic success and positive racial identity (Jones, 2018).

Conclusion

The very core of democracy is destroyed when political or educational officials seek to deny tenure to professors simply because they teach Critical Race Theory. Most Conservatives do not believe that our country can be great while being flawed; however, bringing attention to these flaws allows us to learn the truth and help develop strategies to prevent past failures and provide a more equitable nation. Acknowledging this makes our's a greater country. Critical Race Theory (CRT) creates a platform to understand and eliminate systemic racism and create the equity deserved by every human being.

When used as a tool in educational research, CRT can help us explore and analyze the experiences of the historically oppressed from a historical standpoint, to a contemporary one, and learn how to eradicate racism in our society today. The teaching of CRT can remove the uncertainty of our history and provide clarity and a framework for understanding the different sides of the racism/discrimination argument that permeates the thinking of Americans. This approach can also add to an understanding of why some minoritized individual's see this country as founded on structural racism.

CRT simultaneously provides a lens for non-people of color to see how the actions of their ancestors, and present-day legislators, add to the structural racism in America. It is not until all parties acquire this information, will there be a way towards healing the schism and creating a society that is equal and balanced. African Americans must be viewed as full (not 3/5ths) people with equal rights under equitable laws.

Critics of CRT extol the virtues of free speech, but often this is only valued in the cases of the speech of the dominant ideology and not on the voices of the oppressed and marginalized (Strauss, 2021). People of color have a voice and have contributed to our nation's history and culture. From art and literature to entrepreneurship, people of color continue to advance our country and society. Their contributions need to be recognized and celebrated and their histories told. We have more in common than we are led to believe, yet the fear of resistance to change success is stifled. Learning from negative aspects of history prevents it from happening again. We need to confront the good, the bad, and the ugly of our nation's history and take responsibility for our actions, especially the failures. In doing so we can examine how historical racism is manifested in our institutions and play a part in eradicating health disparities in medical treatment and how access to clean air might influence this statistic (Lang, 2020), understand how

school discipline disproportionately affects students of color; and examine how we can ensure that all students histories and voices are heard.

Telling the truth about our history is not indoctrination; it is to better our country by understanding its full legacy, how far we have come, how far we have not, and what to do next. Understanding inequity is necessary to develop equity. Understanding the shameful history of wrongly accusing Black people of injustices and listening to the voices and experiences of those of color is not anti-white, anti-patriotic, or Marxist doctrine. It is, rather, a form of racial justice and equality for all. National history is not just a tool to inspire patriotism but also a lesson to understand and create a better future. You can love your country when it is correct and wrong and then play a part in repairing those wrongs. If we acknowledge and learn about the truth of racism in our country, we can eradicate racism together. CRT is about concepts to educate on systemic barriers and discrimination of marginalized groups; it is a revelatory way to understand the inequalities still faced today and what each one of us can do to change that. (Sykes & Hinger, 2021).

CRT informs approaches to teaching and works to provide equitable opportunities. The singular narrative in most educational institutions leaves out many voices and focuses primarily on a dominant ideology. It also provides a lens that recognizes an imposed curriculum of hegemonic white history and seeks to include all the past (Ledesma & Calderon, 2015). By examining these policies through a CRT-driven lens, these norms might be challenged and lead to more educational equity. Teaching CRT provides the truths of our nation's history

It is imperative for us all to gain an understanding of CRT and its impact on society as a whole. The journeys to justice and equity are far too long. While more research is necessary for demonstrating how the CRT framework when used in education and can inform how race and racism manifest itself in our institutions and can use as a valuable tool to critique and approach our existing systems, acknowledging these critiques can dispel the misperceptions and help us to understand how this praxis can advance social justice. But, to discredit it based on ignorance silences the voices of others and perpetuates racial inequality. We need to challenge the status quo and acknowledge the history and stories of vulnerable, marginalized, and oppressed people. Each individual can make a difference in small and big ways by spreading awareness and supporting ways to change these antiquated systems that spread a hegemonic ideology. This in turn, can empower the disenfranchised and, as we look through this more justified lens, create

equality. The conversation alone will not change systemic racism. We need to go beyond the uncomfortable discussions and invite educators and scholars of all colors to the table, a table where some have been historically absent, to examine our institutions so we can provide equitable learning environments for all.

As a society, it is imperative to move forward as we cannot continue to tether ourselves to a mindset towards ongoing injustices in our nation, but instead, educate ourselves, enhance our critical thinking skills, listen to diverse perspectives, unify and advocate towards a more just and equitable world. History often teaches us, as Americans, to fight to maintain our freedoms, and to uphold “liberty and justice for all.” We must continue to actively fight against the tyranny and embedded racist structures that permeate the policies and systems within our country.

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