

Notes on the Assault on Critical Race Theory
Rubén Martínez
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Thank you, Frank. I want to thank both Mark and Martha for their insightful comments today. They are very much appreciated. I want to make remarks today in two areas. That is, What is Critical Race Theory, and I will refer to it as CRT for short. Also, I will speak to how it is presented to the nation by those who are anti-anti-racism and using CRT as the boogeyman to both mobilize negative sentiments and to mobilize moral outrages as our colleague Isaac Kamola said last week.

First of all I want to say that Critical Race Theory has its roots in critical legal studies of the 1970s, which emphasized the importance of social context and its influence on the law and how it contributed to the reproduction of social hierarchies in society. In other words, the law was neither autonomous from society nor impartial. That is, the proponents of critical legal studies sought to overturn structures of oppression in society by focusing on the law. And we need only to recall the language of the U.S. Supreme court in the decision of 1857 when it stated that negroes, to use the language of that day, had no rights which a white man was bound to respect. If that is not embedded in history, I am not sure what is. That is not unlike what the Catholic Church experienced during the 1960s with Vatican II, when it also recognized that it was an institution that did not stand outside of time but was actually part of society. Of course, in sociology we knew this for at least a century given the work of Max Weber and Emile Durkheim and others.

Critical Legal Studies tended to focus on class issues and I think that is because it came out of the works of New Left thinkers. It was then criticized by scholars who were studying

racism and issues of race. The omission was replaced by an emphasis on racism and how law reproduced the subordination of ethno-racial minorities in society. Storytelling became its primary methodology, that is, scholars were creating characters and using them to tell stories about how the legal system was treating them and providing insights into how ethno-minorities were experiencing our legal system. Over time, these scholars were joined by scholars in Education and Sociology, Anthropology, Cultural Studies and other disciplines. These scholars brought concepts from their fields, they brought emphases on subjectivity, colonialism, white supremacy, power, intersectionality and the disruption of binaries.

Critical Race Theory is a framework for understanding how the legal system reproduces racial hierarchies in society. The emphasis on White privilege came from White Feminist Studies, which included also male privilege. As scholars began to join this intellectual movement, they tended to break out from the focus on the legal system to the broader structures of society. Others became part of a diversity training industry that emerged by the 1990s and was commonplace in the corporate sector. Who was doing all this training? I really can't tell you, and I can't tell you how familiar they were with Critical Race Theory, how familiar they were with the history of race and racism and white supremacy in our society. What happened is that it began to engender some criticism, some oppositions, resentment and disenchantment in many of the participants who supposedly were forced to participate in those kinds of training activities.

What we do know is that not all of those training programs were very effective; that the most effective ones were those that were comprehensive and well integrated, but we don't really know, and not enough research has been done to identify the characteristics of those programs that have been most effective. So much more work needs to be done on that. We also saw the rise during that same period of the 90s, the concept of Political Correctness. This concept was

used as a tactic by conservatives to undermine antiracism and feminist movements and to blame liberals and progressives for engaging in that kind of activity. We also have seen since then the intensification of white racism, of white supremacy and the polarization of American politics, and that is where we find ourselves today. In this context, it is difficult to identify what those characteristics would be given the level of polarization in which we find ourselves.

In short, Critical Race Theory is nothing more than a framework for illuminating how racism is reproduced in society. How diversity trainers present it is neither well known nor understood. We don't even know who is doing it out there. I'm sure some of them know what they're doing.

Now, I want to turn to how Critical Race Theory is presented to the nation today. That is, the assault on Critical Race Theory. The majority of Americans had never heard of Critical Race Theory before this assault. In fact, most students in college have never heard of Critical Race Theory. A poll from January of this year showed that a majority of those claiming to have a good idea of what it is indicated that it is "bad for America." But, I would question if in fact they understand what it is. Whether or not they actually understand CRT remains to be studied. One thing we know for sure is that conservatives are leading the assault on CRT as a racist theory today. That it is divisive, that it stereotypes Whites as racists, that it promotes socialism and communism, I cannot even make the connection here, and that it indoctrinates children to hold these views. In other words, that it indoctrinates children to hold racist views which is really a bizarre perspective, but I am reminded of the work of Gil Scott-Heron the poet musician who talked about how right is made to look wrong, and certainly that's what's happening here today.

It is not surprising that those comments have been made, especially by Christopher Rufo, a radical conservative commentator and supposedly research associate at the Manhattan Institute

and the Discovery Institute, both conservative think tanks, with the Discovery Institute actually promoting the view that God is a scientific theory. He argues that a small book by Anastasia Higginbotham titled *Not My Idea: A Book about Whiteness*, which is really a children's picture book, is being used in kindergarten classes to promote Critical Race Theory and to indoctrinate children. I am not sure how you can promote Critical Race Theory among children, but be that as it may. He has been making the circuit on conservative talk shows particularly that by Tucker Carlson that was picked up by President Trump who issued Executive Order 13950 back in September of 2020 combating race and sex stereotyping, which contains a mix of statements which to me really don't make a lot of sense. Some of them I agree with.

One of them, for example, is that we should not promote the view that one sex or one race is superior to others. Well, who can argue with that? I'll join them on that one. We should also not say that people are racist by virtue of their skin color. Well, I would agree with that as well. But there were also some elements that need further attention and these really come from the implementation plan that was developed by Vought, the director of the executive office of the White House back then, who identified a series of concepts to be used as indicators that in fact certain training programs were employing or promoting sex and racial stereotyping. Some of the indicators were Critical Race Theory. If you are using Critical Race Theory in a program, you are violating the law. If you are talking about white privilege that is an indicator that you're promoting racial and sex stereotyping. Intersectionality, systemic racism, positionality, racial humility all of these concepts were used as indicators to say these are bad programs and should not be delivered, and certainly there should not be any use of public funds to promote the use of these training programs.

So what we find here is a punitive model and we know that the conservatives hold a very powerful attraction to punitive measures. You know, just about every law that they pass trying to make society "better" comes with some punitive measures. Today we have 21 states that have introduced anti CRT legislation across the country, and some of them are opposed to race theory. Now we're going from Critical Race Theory to my own field in Sociology which includes the study of intergroup relations. This gives some substance to the old adage: "Give them an inch, they'll take a foot." It is spreading further and further into what we would call education. What they want to do is erase the history of racism, the history of sexism, and not allow talk about the perils of capitalism, even though these things are becoming more and more evident every day. They have intentionally distorted Critical Race Theory. It has been picked up by the conservative media and, as you say Frank, funded by the Koch Foundation.

We live today in a historical moment characterized by what I call an epistemic crisis. That is, people cannot ascertain what is true from what is false. They are getting information from a whole host of social media. There is a perspective that is against science, and so, people are not grounded in solid foundations of knowledge to be able to make sense of what is going on. In fact, even in the political arena, it used to be that if you lied, you were not likely to have any legitimacy in the public arena. But, now they lie all the time and no one seems to care all that much, right? The truth simply has fallen completely from the public arena. The thing that concerns me the most is that this is an assault on academic freedom.

Academic freedom is grounded in democracy and the freedoms that come with democracy. And we all know that today, even democracy is under assault. So, we must not only stand up for democracy, but those of us in education, whatever level of education we're in, have to stand up and defend academic freedom. We cannot deny history; we cannot deny that social

structures exist, and that there are such things as institutional racism and systemic racism and institutional sexism and all the isms; all the isms are institutionalized. We cannot deny those things. What we need is to have the freedom to teach, and students and faculty should have the freedom to study.

Young people must understand the world in which they live. As we move forward into the future, they need all of the best knowledge available to help them make the adaptations not only to save the planet but to promote human civilization to higher and higher levels as we move forward. And so, I will stop there, simply to say that when it comes to racism, when it comes to issues of resentment against Whites, remember that not all Whites are racists, that there is considerable differentiation among Whites; and that poor Whites lead lives that are not that different from the lives of poor persons of color. We must come together recognizing that this is a society in which we want to be more inclusive, we want a society that is more just, and we want a society in which all of us have the opportunities to develop our human faculties to the highest levels as we live out our lives, our very short lives, on this planet today.