

Position Paper

Critical Race Theory – Our Perspective

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What is Critical Race Theory?

Critical Race Theory (CRT) is “an academic movement based on interrogation of the intersection of race and the law”¹. In other words, CRT is a movement led by academics, activists, and politicians that critically examines how race and racism affect the way people within societies interact. CRT states that racism is endemic to many societies, particularly the US and other places where Black people were enslaved and consistently discriminated against in the law.

The key premise of CRT is that racism still exists in society, and that it explains the realities that Black and other racialized groups face every day. In essence, as CRT scholar Amy Ansell describes, CRT contends that “Racism still matters, whether in reference to an individual’s ability to secure a bank loan, apartment, or job, or in contributing more broadly to such patterns as disproportionate black and brown poverty and prison populations.”²

CRT, then, from the perspective of its proponents, is simply a way to explain very real racial dynamics that exist in the world. For example, the fact that job applicants with stereotypically Black names are less likely to progress to interview rounds (let alone get the job) is undeniable – the evidence repeatedly has shown this to be the case³. This is also true of people with “Islamic-sounding” names in places like France and the UK⁴. Black and brown people are more likely to be arrested without cause than white people, more likely to be charged with crimes than white people committing the same offenses, and get harsher sentences for the same crimes when convicted⁵. These are simple matters of statistics. CRT is a theory to explain why these differences between the experiences of white people and people of colour persist in society.

CRT emerged in the 1970s in the USA, with leading voices like Derrick Bell, Kimberlé Crenshaw, Richard Delgado, Ian F. Haney López, Cheryl Harris, and Patricia Williams. It gained its prominence because these scholars noticed the inadequacies of traditional civil rights doctrine in explaining the racial dynamics of post-civil rights US society, and they sought to build a new way of thinking about power dynamics in the USA.

Since then, it has gained more global prominence because of its effectiveness in explaining social dynamics in many other countries, including Canada, the UK, and Australia. In fact, CRT has been so effective at explaining these aspects of people’s lived experiences that it has often been interwoven with other globally centric fields like postcolonialism⁶ and migration studies⁷. But it also gained prominence because of its fierce optimism – it’s not just useful for explaining how different racial groups are treated differently,

¹ Ansell, A. (2013). *Race and ethnicity: The key concepts*. Routledge.

² Ibid, p. 51.

³ See, for example: Bertrand, M., & Mullainathan, S. (2004). Are Emily and Greg more employable than Lakisha and Jamal? A field experiment on labor market discrimination. *American economic review*, 94(4), 991-1013.

⁴ <https://www.bbc.com/news/uk-england-london-38751307>

⁵ https://eji.org/reports/segregation-in-america/?gclid=CjwKCAjwr_uCBhAFEiwAX8YJgbfiWVihZYC7x1OAmNgUqPJOUUmcqqlNvWoXRyfhKEowaoE4XzMfpBoCLaIQAvD_BwE

⁶ Thomas, C. (1999). Causes of inequality in the international economic order: Critical race theory and postcolonial development. *Transnat'l L. & Contemp. Probs.*, 9, 1.; Thomas, C. (2000). Critical Race Theory and Postcolonial Development Theory: Observations on Methodology. *Vill. L. Rev.*, 45, 1195.

⁷ Garcia, S. J. (2017). Bridging critical race theory and migration: Moving beyond assimilation theories. *Sociology Compass*, 11(6), e12484.

it also firmly believes that it is possible to change these power dynamics such that the subordination of Black and brown people will no longer be an embedded part of society.

What is the controversy?

CRT has always had critics since it first emerged in the 1970s and gained further prominence in the 1980s. The main criticisms of CRT are that it is based on the idea that reality and merit are socially constructed rather than objective truths⁸. If this is the case, they argue, it eliminates the idea of objective facts because truth is governed by perspective, which is formed by racial dynamics in society according to CRT. That means basic fundamental institutions of our society – like a legal system based on presenting objective evidence – cannot possibly function.

The other major criticism of CRT is that it actively discriminates against racial minority groups that succeed in society. These critics specifically cite that if the system in which we operate is structurally unfair, but Jewish and Asian communities have thrived, then it could very easily lead to allegations of cheating or advantage-taking⁹.

However, it wasn't until 2010 that CRT gained notoriety in the political sphere. Conservative political thinkers and writers who were critics of CRT, the most prominent of which was George Will, began to influence politicians and so began to influence policy. The most famous case of this was when, convinced by the arguments outlined above, the state government of Arizona passed a law prohibiting schools from "offering courses that 'advocate ethnic solidarity instead of the treatment of pupils as individuals'"¹⁰. This led to the banning of books in some school districts and even the temporary elimination of the Mexican American Studies department at the University of Tucson. The law was later found to be unconstitutional due to being motivated by racial animus, and at that point the controversy around CRT waned.

In 2020, though, there was a resurgence of controversy around CRT as both US President Donald Trump and UK Equalities Minister Kemi Badenoch brought up CRT as ideas that should not be taught in schools or any government programming. President Trump called for cancelling funding for any programs that even mentioned white privilege or CRT because they were "divisive, un-American propaganda"¹¹. Minister Badenoch went into more detail, echoing the criticisms aired decades earlier by CRT critics: "'we do not want to see teachers teaching their pupils about white privilege and inherited racial guilt.... [A]ny school which teaches these elements of critical race theory, or which promotes partisan political views such as defunding the police without offering a balanced treatment of opposing views, is breaking the law"¹².

These criticisms led to much media coverage of CRT, and some of that bled into the business sphere as well – organisations – including some *Included* clients – began asking about CRT and our thoughts on the controversial topic, sometimes implying that this could affect our ability to work with them.

⁸ Farber, D. A., & Sherry, S. (1997). *Beyond all reason: The radical assault on truth in American law*. Oxford University Press.

⁹ Farber, D. A., & Sherry, S. (1995). Is the radical critique of merit anti-Semitic. *Calif. L. Rev.*, 83, 853.

¹⁰ Alex Seitz-Wald (March 21, 2012). "[How Breitbart and Arizona seized on 'critical race theory'](#)". *Salon*.

¹¹ "[Executive Order on Combating Race and Sex Stereotyping](#)." White House. 2020 September 22.

¹² Trilling, Daniel. "[Why is the UK government suddenly targeting 'critical race theory'?](#)". *The Guardian*.

What is our position?

The essential premise of Critical Race Theory – that race affects the way we experience the world, and that some people in society are systematically advantaged at the expense of others – is undeniable. We know that Black and brown folks are less likely to get a job or a promotion than white folks if all else is held equal. We know that Black and brown people are paid less on average than white people doing the same jobs. We know that Black and brown people are more likely to be injured or killed by police than white people. The numbers tell that story, and the events of 2020 have made this even more clear to the global community.

So, what does this mean for the critiques of CRT? It means that the logical next step from this premise of CRT – that there is no single objective truth or reality – may be correct, uncomfortable as it may be. In fact, some of the greatest modern thinkers and philosophers came to that same conclusion independent of CRT, including Derrida, Foucault, and others¹³. Derrida even coined a term¹⁴ to explain this phenomenon that is extremely related to our D&I work – *Différance*. In this way, this uncomfortable logical conclusion of CRT can be thought of as simply another aspect of reality it manages to explain well.

This doesn't mean that there is no such thing as facts, but it does mean that it is possible for a white police officer to feel threatened by a Black suspect even though the Black suspect has given no reason for them to feel threatened. It does mean that a hiring manager can feel that a white candidate is objectively better than a Black candidate, even if there is no real reason for them not to be seen as equal.

All it means to believe in CRT is that our perspectives on the world and the way we view different situations, or approach different problems, is affected by our race and the role that has played in the way we've interacted with society throughout our lives.

In this way CRT explains exactly why Diversity and Inclusion, when done right, can have so many positive benefits for the workplace. When diverse teams get together to solve a problem, if they are inclusive then that diversity means they've had different experiences of the world, which means they may approach the problem in different ways or cover blind spots that others haven't seen. Part of that reasoning is based on the idea that experiencing the world as a Black person is different than doing so as a white person, which means they may bring different perspectives to the table. And the more perspectives there are to inform a solution, the greater the likelihood that the solution will be optimal because it will have considered more of the potential possibilities.

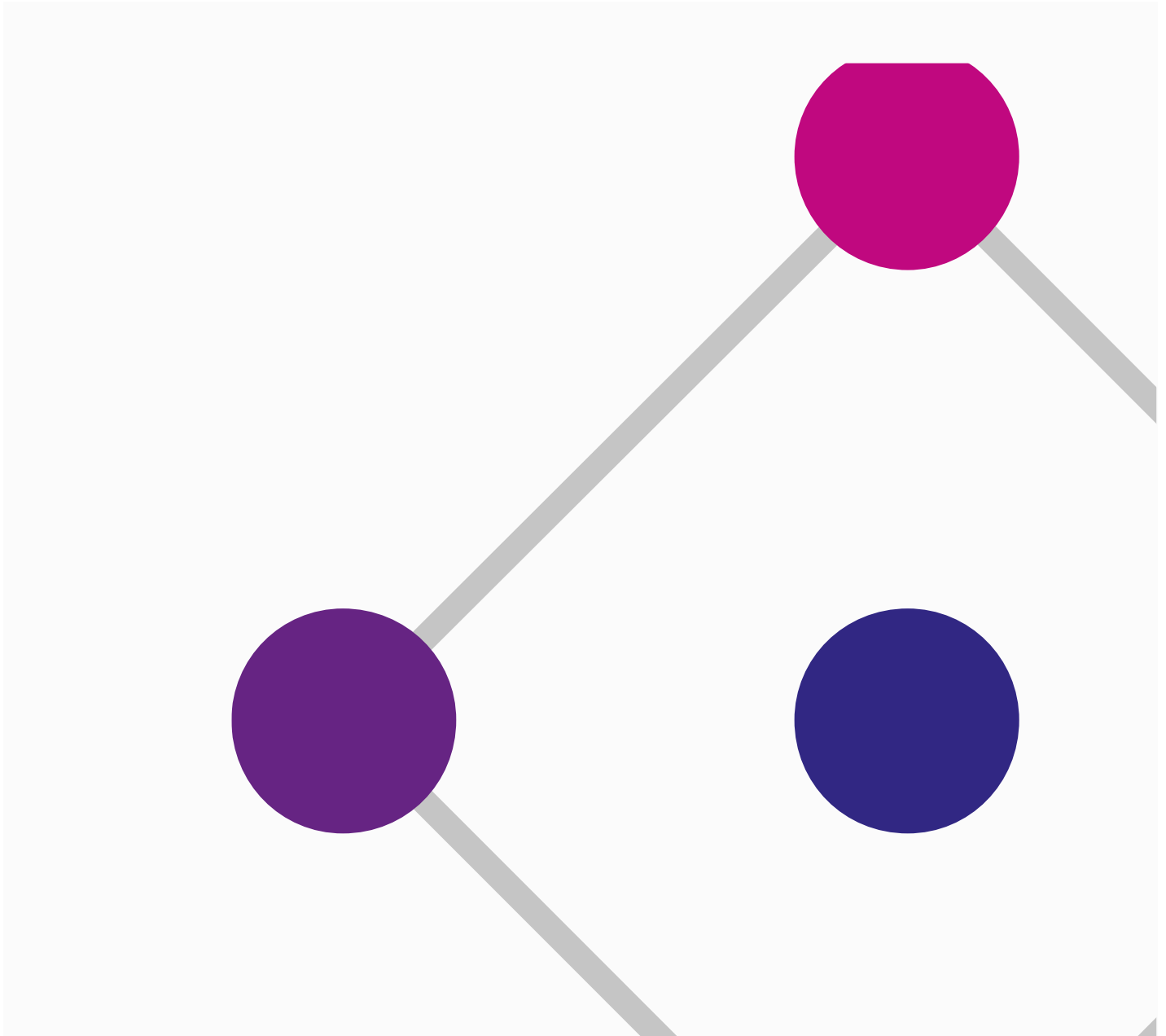
This doesn't mean that race is the predominating factor that governs all interactions, but it does mean that it often plays a role, particularly when the interactions are between people of different racial groups.

As such, our position is that CRT does a good job of explaining the realities of the way people of different racial groups experience the world differently. It helps to explain the fact that unconscious processes lead to systematic inequities in things like pay, job success, and treatment under the law. It helps to explain why diverse and inclusive teams perform better, are more innovative, and are more likely to find optimal solutions to problems.

¹³ Foucault, M. (1997). *The politics of truth*. Semiotext.

¹⁴ Derrida, J. (1963). Cogito et histoire de la folie. *Revue de Métaphysique et de Morale*, 68(4), 460-494.

And, most importantly, CRT explains why we can be optimistic about the prospect of reducing or eliminating these inequities we see in society.



Thank you

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