

Critical Race Theory and Confusion

The more that is written about critical race theory, the more confusing it is. Like every theory and philosophy, the definition is in the mind of the proponents and opponents of the theory. Even the term “theory” is a misnomer. There is nothing scientific about critical race theory. Rather it is a particular way of perceiving the world by those who promote the concept that critical race theory focuses on racial differentiations as an explanation for human behavior.

There are those who argue that critical race theory is nothing more than understanding the extent to which racial differences have motivated human behavior and become part of the way that society thinks about minorities. In a nation or continent that is predominately African, those who do not have black skin will be looked at differently than the local population. The same is true in White cultures. Even in multicultural societies, there are going to be group tendencies to embrace sameness and reject differences. There are those, of course, who enjoy those differences. My father used to talk about the great advantages which he enjoyed growing up in Harlem Pre-World War II. He and my mother proudly used to dance at the Appollo Theatre. My aunt’s maid of honor at her wedding was an African American doctor. Skin color did not define relationships of those family members, although undoubtedly it did for others.

Critical race theory has morphed into a number of different categorizations. To say, as some do, it is a definition used by legal professionals to examine the nature of society is simply untrue. As a long-time civil rights lawyer, who tried my first civil rights case against Penn State University in 1975, I never even heard of the term until recently. We talked about disparate impact, intentional misconduct, equality, substantial equality and affirmative action. The term critical race theory was unknown to us.

There are those who say that critical race theory began in the 1970’s based upon the writings of a number of “legal scholars” such as Derrick Bell and others focusing on race and based upon the amorphous term “critical theory.” Bell and his cohorts drew their thinking from much earlier writers who believed that societal behaviors towards race were based upon a set of complex social dynamics difficult to describe or understand. In essence, CRT today alleges that White people, presumably all White people, have an innate prejudice based upon differences in skin color that make it impossible for them to treat Black people as equals. Forget that there is a whole rainbow of color differences between people, and that minority members of society can be just as bigoted as the majority. Throw away the nuances of individual human behavior and disregard individual initiative. Critical race theory, CRT, is nothing more than an amalgamated set of disparate views that coalesce in an environment which degrades the enlightenment principles which have created a liberal world order in Europe and the United States.

It may surprise some people to know, that as the great historian McCullough has explained in his books about the American Revolution, the term “condescension” was at one time considered a compliment. Being kind and gracious to those of a lower social status, or to those who did not necessarily succeed economically, was considered high minded and “liberal.” The founders of this country often fought about who was more liberal. What they were talking about, of course, was tolerance for those who fit their conception of appropriate leaders of their White male society. As has been written in

other places, to judge enlightenment era thinkers by today's standards is like comparing the caveman's fire to a modern LED lightbulb. They provide light, which mankind found essential to creativity, but by very different means. Likewise, the liberal, retolerant, views of the enlightenment era philosophies towards people their own class and kind were easily transferrable to a more generous and broad conception which we enjoy today.

In my recent trip to Israel, I could not help but look around at the small synagogue where I dovened every morning. Without question, I was the lightest skinned person there. The other residents of the town of Be'er Ya'akov, which just became a city, fit every hue of the rainbow. The young man in front of me was Black African. The person on the left was a very dark-skinned Yemenite and the other congregants were of various hue of colors. The most interesting aspect of that congregation is that after the praying was done, everyone sat around as a group and talked, argued, continued to pray and ate breakfast together. It was one unit, like a prism, with many different colors. The infusion of light which broke into the many colors, was the common bond of fidelity to God, mankind and country.

To the extent that critical race theory examines the positives and negatives of history, it is a good thing, notwithstanding the misleading label. No one of a reasonable disposition would argue that slavery and reconstruction represented a crushing life for the African decedents in this country. Likewise, no reasonable person would degrade the contribution of this country to principals of freedom, justice and equality which have informed the world. Often times, a professor once said to me, the world is like a coin. It is one coin, but it has both heads and tails. Life is like that. Social relationships are like one coin with different sides and facets.

To the extent that CRT becomes an excuse to trash one race as opposed to another, or to demonize people as a group, it is no better than the totalitarian ideology that led to the soviet state. George Orwell, in his great work Animal Farm, wrote a parody of the Russian system. Once the animals got rid of the repressive farmer, they appointed the pig to head their society. The pig took down the old sign the farmer had and put up a new one, "All animals are created equal, but some animals are more equal than others." If that is the end game for CRT, that is a dangerous and useless philosophy. If CRT is nothing more than fully educating people to how the historical narrative has led to our current cultural motive, then it is simply a useless moniker whose content should simply be reinforcing a full understanding of national and racial historical perspective.

CRT is like shouting the term socialism, democracy, capitalism. There were capitalists who believed in child labor. No modern capitalist believes in that today. There were socialists who embraced the murderous philosophies of the Russian Marxist regime. All the mod terms, which infest our social media and talk radio, are susceptible of informing us or degrading our value system of fairness and justice. Which will it be for CRT? Unfortunately, there are those who use the teaching tool as a bludgeon to elevate some and demonize others. If that is CRT, then let's get rid of it. If, on the other hand, it is just another term for teaching historical perspective, bring it on!

*Clifford A. Rieders, Esquire
Rieders, Travis, Humphrey,
Waters & Dohrmann
161 West Third Street*

*Williamsport, PA 17701
(570) 323-8711 (telephone)
(570) 323-4192 (facsimile)*

Cliff Rieders is a Board-Certified Trial Advocate in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a past member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.