

**WILL THE REAL CRT PLEASE STAND UP? THE DANGERS OF
PHILOSOPHICAL CONTRIBUTIONS TO CRT***

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INTRODUCTION

The recent pop culture iconography of the Critical Race Theory (CRT) label has attracted more devoted (white) fans than a 90s boy band. In philosophy, this trend is evidenced by the growing number of white feminists who extend their work in gender analogically to questions of race and identity. The trend is further evidenced by the unchecked use of the CRT label to describe (1) any work dealing with postcolonial authors like W.E.B. Du Bois and Frantz Fanon or (2) the role postcolonial themes like power, discourse, and the unconscious play in the social constructionist era. While this misnomer may seem practically insignificant, the artifice formerly known as CRT in philosophy—more adequately labeled “critical theories of race”—has been axiomatically driven by the political ideals of integration and by a revisionist commentary that seeks to expand traditional philosophical ideas, such as reason, history, and humanity, which were previously closed off by racial borders, to people of color. This “revision in the name of inclusion,” however, is not without its consequences. In order to incorporate the experiences of those who suffer under the weight of modernity and are marred by the burdens of racism into the narration of Continental and American philosophy, the theoretical perspectives in Critical Race Theory that deny the legitimacy of philosophy’s diversity agenda must necessarily be excluded. In particular, this recent move to recognize the study of race as a category of philosophical relevance has resulted in the outright denial of the nationalist and revolutionary fervor contained in the intellectual history specific to the Critical Race Theory movement started by the works of

* I would like to thank Derrick Bell for his continued friendship and correspondence in regard to his thought, Cheryl Harris for encouraging me to write this piece, Saul Sarabia for asking the infamous question, “Will the Real CRT Please Stand Up,” that motivated my reflections in this article; Dean Peter Alexander for his feedback on this argument as part of my dissertation project; and last but not least, Gwenetta D. Curry, whose support enables me to continue writing.

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Derrick Bell.² Instead, this new movement favors narratives that inculcate the ideals of a post-racial humanity and racial amelioration between compassionate (Black and white) philosophical thinkers dedicated to solving America's race problem.

As an endemic American perspective on race, CRT deserves to have its authors, its theoretical roots, and its presence recognized in the fields that continue to utilize its name. The particularity of CRT's development, and the specific difficulties that arose in trying to define the movement, have bred a unique disciplinary perspective to which few studies of race can relate. While race-crits are well aware that "the name Critical Race Theory . . . [is] now used as interchangeably for race scholarship as Kleenex is used for tissue,"³ there is still a need to preserve and articulate the distinction between general studies of race and CRT. Failing to point out the inaccurate appropriation of the CRT title not only represents a skewing of the field, but in philosophy specifically, it results in an erasure of a prominent tradition started by people of color. Despite the various anthologies and scholarly archives that document the intellectual contributions of Critical Race Theorists like Derrick Bell, Kimberle Crenshaw, Cheryl Harris, and Richard Delgado, philosophy, in its attempt to market *Blackness*, continues not to engage the literature or ideas proposed by these legal theorists' social commentaries. Instead, philosophy prefers to continue engaging in critical commentaries on white thinkers like Kant, Hegel and Sartre through seemingly radical intersections with the work of W.E.B. Du Bois and Frantz Fanon. Whereas many works in philosophy seek to expand the number of race projects described by Critical Race Theory, this article discusses the theoretical and disciplinary risks involved in

² Because of the similarities in name, some readers may become confused as to which tradition I am referring. "Critical Race Theory" or "CRT" will be used to indicate the legal movement started by Derrick Bell and continued today as Critical Race Studies (CRS) at UCLA's law school. Closely related to these two ideas is my utilization of Critical Race analysis (es) to refer to the intellectual productions from these studies of race. My utilization of "critical race theory," in lower case, and "critical theories of race" is meant to refer to the philosophical variety that is popular today in race theorizations that utilize Continental or American philosophical perspectives when looking at the race question.

³ Kimberle Crenshaw, *The First Decade: Critical Reflections, or 'A Foot in the Closing Door,'* in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY 20 (Francisco Valdes et al. eds., 2002).

the philosophical utilization of the term beyond its racial realist and structural critiques of American racism.

SO WHAT IS CRITICAL RACE THEORY?

Richard Delgado and Jean Stefancic have defined CRT as a movement that considers

many of the same issues that conventional civil rights and ethnic studies discourses take up, but places them in a broader perspective that includes economics, history, context, group- and self-interest, and even feelings and the unconscious. Unlike traditional civil rights, which embraces incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law.⁴

Unlike many philosophical works on race that demand a more enriched and critical conversation with whites about race, CRT is adamant about its radical activism, which challenges not only the idea of white privilege but the property rights that whites maintain.⁵ Unlike the more apologetic investigations of race in philosophy, which thrive by its constant attempts to draw whites into thinking about race, CRT's racial inquiries are driven by the actual function of racism in American society—not the anti-racist re-socialization of whites.

Guided by the realist light, “Critical [R]ace [T]heory not only dares to treat race as central to the law and policy of the United States, it dares to look beyond the popular belief that getting rid of racism means simply getting rid of ignorance or encouraging everyone to ‘get along.’”⁶ CRT's skepticism to the commonsensical approaches of liberalism and integrationist thought reverses many of the issues philosophical investigations

⁴ RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 3 (2001).

⁵ For a discussion of whiteness and property, see Cheryl Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709, 1791 (1993); *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (Richard Delgado & Jean Stefancic eds., 1997) [hereinafter *CRITICAL WHITE STUDIES*].

⁶ Angela P. Harris, *Foreword* to DELGADO & STEFANCIC *CRITICAL RACE THEORY: AN INTRODUCTION* xx (2001).

of race aim to achieve. Rather than creating a world of peaceful racial co-existence, CRT works from that premise that in America such a world is impossible, and as a consequence, racism cannot be studied with its eye on that illusory promise. In short, CRT maintains that race and racism are inextricable manifestations of the American ethos, and as such, cannot be cured by a constructive engagement with whites.

As with any intellectual movement, CRT builds its scholarship upon certain theoretical pillars. The first tenet is that “racism is ordinary, not aberrational—‘normal science,’ the usual way society does business, the common everyday experience of most people of color in this country.”⁷ The second tenet is commonly known as interest-convergence,⁸ but it has been newly coined as the two sided dilemma of racial fortuity. According to Bell, interest-convergence can be described by two rules:

- 1) The interest of blacks in achieving racial equality will be accommodated only when that interest converges with the interests of whites in policy-making positions. This convergence is far more important for gaining relief than the degree of harm suffered by blacks or the character of proof offered to prove that harm.
- 2) Even when interest-convergence results in an effective racial remedy, that remedy will be abrogated at the point that policymakers fear the remedial policy is threatening the superior societal status of whites, particularly those in the middle and upper classes.⁹

Bell’s two rules illustrate the problem of racial fortuity—a two sided coin, with the historical covenants of black sacrifice on one side and the interest-convergence remedies on the other.¹⁰ The third tenet of CRT is the social construction thesis that “holds that race and races are products of social thought and relations. Not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather, races are categories that society invents,

⁷ DELGADO & STEFANCIC, *supra* note 4, at 7.

⁸ For a general discussion of the tradition understanding of interest convergence, see *id.*

⁹ DERRICK BELL, *SILENT COVENANTS: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM* 69 (2004).

¹⁰ *Id.*

manipulates, or retires when convenient.”¹¹ The fourth tenet is racial differentiation, which is the process by which society assigns various roles and privileges to different minority groups to put them in competition with one another.¹² The final tenet of CRT argues that people of color’s voices are unique.¹³

While some may contend that these beliefs are shared by various other fields, I would like to continually stress that CRT’s theoretical distinctiveness does not reside in its general interest in the study of race, but rather in the approach and descriptive foundations that lie beneath CRT’s encounter with racism in American society. Because racism is taken to be permanent, CRT maintains that very different strategies be utilized to combat whiteness. It should be clear by now that these means of combat do not rely on either ethically combating whites’ racist dispositions or claiming that deconstructive elements of discourse can remedy racial biases. Instead, CRT’s contributions lie in its ability to confront whites as whites—and nothing more—not as their potential to be better humans, not as their idealization to be more than racist, not even their intentions to be seen as individuals and not part of a colonial heritage. In practically every regard, Critical Race Theory is distinct from the philosophical variety more adequately called “critical theories of race.” Sustained by the errant belief in racial idealism, which holds that “racism and discrimination are matters of thinking, attitude, categorization, and discourse,”¹⁴ critical theories of race believe it is possible to “erase discrimination by purging the system of its underlying images, words, attitudes, and scripts that convey the message that certain people are less worthy, less virtuous, or less American than others.”¹⁵ Unlike “critical theories of race,” CRT articulates and acts upon the centers and practitioners of white supremacy without the perpetual emergence of the conflicted white individual—constantly trying, but unable to attain an anti-racist disposition. While critical theories of race may possess some latent theoretical contributions, they remain impotent to challenge racism in its social, political, and systemic manifestations.

¹¹ DELGADO & STEFANCIC, *supra* note 4, at 7.

¹² For a more detailed discussion of racial differentiation, intersectionality, etc., see *id.* at 8-9.

¹³ *Id.* at 9.

¹⁴ Richard Delgado, *Two Ways to Think About Race: Reflections on the Id, the Ego, and Other Reformist Theories of Equal Protection*, 89 GEO. L. J. 2279, 2282 (2001).

¹⁵ *Id.*

HOW THE (UN)PHILOSOPHICAL ACCEPTANCE OF IDEALISM IMPEDES CRITICAL RACE THEORY

In a 2003 article entitled “Crossroads and Blind Alleys,” Richard Delgado continued the attack he waged several years prior on the idealist trend in CRT.¹⁶ While Delgado acknowledges the effect that undergraduate and graduate training in Continental thought and discourse analysis has had on young people who have joined the ranks of CRT, he also considers how the recognition of the threat posed by CRT and its appreciation as an analytical perspective of American race relations has forced Deans and academic institutions to co-opt the movement. In an effort to appear progressive on issues of race, predominately white institutions claiming to acknowledge the academic legitimacy of CRT began to fund conferences and symposia around the research of the movement. This intervention by academic institutions allowed whites to mold the presentations of papers and scholarship towards discursive analyses of literary and social text and away from realist accounts of racism. By supporting the thematic interest for more racial inquiry and rewarding scholars’ production of safe scholarship, which focuses primarily on discursive interpretation rather than actual manifestations of racism and white interest-convergence, the spread of CRT as a radical movement indicative of the burgeoning potential of revolt was halted. Nowhere can the effects of this idealist co-optation be more readily seen than in the discipline of philosophy.

The recent ascendancy of white philosophers interested in the conceptual difficulties posed by racial identifications and the ethical questions of identity that seem to follow is a testament to the deleterious effects of idealism in regards to the study of race. By focusing on the historical construction of the race concept and the ethical decisions involved in calling oneself a member of a particular race, philosophy has made the existence of racism, and the actual suffering of racism’s victims, concerns outside of philosophy’s scope. The priority assigned to explorations that clarify the terms of racial discussion make actual investigations into the mechanisms of racial oppression almost non-existent in philosophical circles. As is usually the case with inquiries into race, the questions generally thought to motivate change often result in answers conducive to complicity. As whites become more

¹⁶ See Delgado, *supra* note 14; Richard Delgado, *Crossroads and Blind Alleys: A Critical Examination of Recent Writing about Race*, 82 TEX. L. REV. 121 (2003) (book review).

willing to explore questions about their whiteness, Black philosophers become more anxious to recognize these explorations as signals of change in the intellectual and cultural dispositions of the white imagination.

In this newly emergent niche, white philosophers like Robert Bernasconi, Anna Stubblefield, and Shannon Sullivan who are willing to extend their training in Continental theory and American pragmatism to questions of race, are praised for being indicators of progress in the field.¹⁷ Content to embrace the luxury of leaving aside the politics of advocating for racial justice, these scholars have gained notoriety for their confessional declarations against their whiteness and their almost singular concentration on the ills of white identities.¹⁸ Because white identities are exotified as the center of white supremacy, the public betrayal of this identity by whites is idolized—to such an extent that the participation of these white thinkers in race studies supports the ideological orientation of the field towards inclusion and multicultural exchange.

For many African American philosophers who believe that the apogee of philosophical revelation is post-racial humanity, the category of race and clarifying what is meant and intended by calling one's self raced is at the heart of African American philosophy's contribution to race theory.¹⁹ For these authors, racial identity and the conditions that allow one to "legitimately" claim a racial identity are ethical questions that must be settled before one can effectively deal with the problems posed by race.

¹⁷ See Charles W. Mills, *Book Review of Ethics Along the Color Line*, HYPATIA: J. FEMINIST PHIL., Spring 2007, at 189-193.

¹⁸ For a discussion of these perspectives, see Robert Bernasconi, *Waking Up White and in Memphis*, in *WHITE ON WHITE/ BLACK ON BLACK* 17-25 (George Yancy ed., 2005); Anna Stubblefield, *Meditations on Postsupremacist Philosophy*, in *WHITE ON WHITE/ BLACK ON BLACK*, *supra*, at 71-82.

¹⁹ The debate over the proper definition of and the correct conditions by which one can use race is an ancient debate in African American philosophy. For the definitive articulation of the racial eliminativist position, see KWAME ANTHONY APPIAH, *IN MY FATHER'S HOUSE: AFRICA IN THE PHILOSOPHY OF CULTURE* (1992); Kwame Anthony Appiah, *The Conservation of 'Race,'* 23 *BLACK AMERICAN LITERATURE FORUM* 37, 37-60 (1989); Anthony Appiah, *The Uncompleted Argument: Du Bois and the Illusion of Race*, 12 *CRITICAL INQUIRY* 21, 21-37 (1985). For the conservationist response, see Robert Gooding-Williams, *Outlaw, Appiah, and Du Bois's 'The Conservation of Races,'* in *ON RACE AND CULTURE* 39-56 (Bernard W. Bell et al. eds., 1996); Lucius Outlaw, *'Conserve' Races?: In Defense of W.E.B. Du Bois*, in *ON RACE AND CULTURE*, *supra* at 15-37. For a more contemporary treatment of the problems of defining race in CRT, see PAUL TAYLOR, *RACE: A PHILOSOPHICAL INTRODUCTION* (2004).

However, those Blacks who struggle under racism know all too well who they are because of how they are affected by racial designations. Racial identification only becomes difficult when it is abstracted from reality so that it may be strategically used as a weapon in the interplay between Black people's experience of racism at the hands of whites and the enforcement of a certain type of ethics which define the proper ways by which Black discontent can be expressed philosophically without stigmatization.

Since these ethics act as a buffer against the ability of Blacks to confront white philosophers with the actual reality of racism, I have termed these ethics, the ethics of disdain, or those moral rules Blacks must play by so that their critiques against white oppression are deemed philosophically appropriate. These ethics play a major role in removing the concept of race away from its corporeal and terrestrial encasement as racism toward a seemingly endless manipulation of abstractions.²⁰ Whereas racism is of undeniable consequence to its victims, race is a conceptual negotiation and hence, philosophizable, in the sense that anyone can think creatively about the history of race's formulation and indulge the complexities of a philosophical historiography aimed at revising the narration of racial identifications. This ubiquitous neutrality, the ability to play with the concept without getting one's hands dirty by engaging how Blacks have come to understand racism, is why

well-meaning scholars are more apt to speak of *race* than of *racism*. *Race* is a homier and more tractable notion than *racism*, a rogue elephant gelded and tamed into a pliant beast of burden. Substituted for *racism*, *race* transforms the act of a subject into an attribute of the object. And because *race* denotes a state of mind, feeling, or being, rather than a program or pattern of action, it radiates a semantic and grammatical ambiguity that helps to restore an appearance of symmetry²¹

Because a true theoretical inquiry into the nature of racism would require Blacks to conduct an honest assessment into the role that

²⁰ I would be remiss if I did not thank Stephen Faison for introducing this phrase to me.

²¹ Barbara J. Fields, *Whiteness, Racism, and Identity*, 60 INT'L LAB. WORKING-CLASS HIST. 48 (2001).

seemingly well intentioned, rational, and “racially sensitive” whites have on Black oppression, most Black philosophy strays away from any analysis of race relations that can be characterized as accusatory. When the focus of Black philosophy remains confined to individual perceptions, whites are empowered to participate in “Africana thought” as they please.²² Since the undisclosed aim of “critical race theory” is therapeutic and is ideologically driven by the need to make whites less racist through a “Black education,”²³ those whites who volunteer to read or write about Black authors and discuss their raci-(st)-al perceptions of Blacks are given an almost indisputable authority on race matters. Whereas an analysis of racism would ask about white presumptions of authority in Black thought, white’s ability to bracket their whiteness, and the overall material gains (be it financial or political) from claiming to be an “Africana philosopher,” the general study of race allows an undue profitability by whites who know very little if anything about Black philosophy. As Barbara J. Fields notes,

Racism—the assignment of people to an inferior category and the determination of their social, economic, civic, and human standing on that basis—unsettles the fundamental instincts of American academic professionals who consider themselves liberal, leftist, or progressive. It is an act preemptory, hostile, and supremely—often fatally—consequential identification that unceremoniously overrides its objects’ sense of themselves.²⁴

It is because of this categorical flip, where whites are totalized by their historical disposition of oppression and robbed of their immaculate rationality, that many philosophers resist

²² In reading Clevis Headley’s work you can see the impact CRT has had on his thinking. In “Philosophical Approaches to Racism: A Critique of the Individualist Perspective,” Headley argues for an institutional understanding of racism that looks beyond motivational accounts. See Clevis Headley, *Philosophical Approaches to Racism: A Critique of the Individualist Perspective*, 31 J. SOC. PHIL. 223 (2000). Like most race-crits, Headley understands that racism is not about individual perceptions, but institution corroboration with social theories of inequality.

²³ For a discussion of mistaken burden placed on education to solve racism, see Tommy J. Curry, *Saved By the Bell: Derrick Bell’s Racial Realism as Pedagogy*, 39 PHIL. STUD. EDUC. 35 (2008).

²⁴ Fields, *supra* note 21, at 48.

understanding the realities of racism as the foundation of any critical philosophical treatments of race.

Racism has always clearly demarcated Blacks, and it is because of this demarcation that Blacks have always known who “we” are. This reality should not change in our inquiries into ourselves amidst philosophy’s seductions towards racial disembodiment.²⁵ Thinking about race as separate from the concrete realities of racism has become synonymous with “thinking philosophically” about race. The problem is that “thinking philosophically” is not really thinking about race for Blacks. By making the interests whites have in absolving themselves of modernity’s shadows—those melanin-ated bodies that remind the European of their tyrannical legacy—philosophy creates a seemingly neutral colonial space where whites are presumed to be racially oblivious minds ready to join the anti-racist campaign so long as there are willing Blacks anxious to nurture personal relationships with them. This philosophical mandate for inter-racial conversations is nothing more than the secular commodification of theory since it is on the basis of these personal relationships that whites demonstrate to the viewing world that Black thought effectively transforms reason, and Blacks can tout critical race investigations a therapeutic success.

²⁵ This statement may appear essentialist to some, and that appearance would not be an illusion. According to W.E.B Du Bois, the differences of groups that are not biologically determined are still essential because races are historical and cultural. He says,

Human beings are infinite in variety, and when they are agglutinated in groups, great and small, the groups differ as though they too, had integrated souls. But they have not. The soul is still individual if it is free. Race is a cultural, sometimes historical fact

“But what is this group; and how do you differentiate it; and how can you call it ‘black’ when admit it is not black?”

I recognize it quite easily and with full legal sanction; the black man is a person who must ride “Jim Crow” in Georgia.

W.E. BURGHARDT DU BOIS, DUSK OF DAWN: AN ESSAY TOWARD AN AUTOBIOGRAPHY OF A RACE CONCEPT 153 (Schocken Books, 1968) (1940).

THE ORIGINS OF THE CONFUSION: HOW CRITICAL THEORIES OF RACE BECAME SYNONYMOUS TO CRT

In the early 1990s, various disciplines were calling for a rethinking of race.²⁶ This movement was a movement against the touted racial essentialism of the 1960s and was in large part the reaction of Black intellectuals to the dominant dogmas of Black Nationalism. In an effort to make race part of philosophical discourses and the object of serious critical investigations, Black philosophers began to study the idea of race as an abstraction that could be analyzed under prominent philosophical theories. By making race an ethical category that existed only in the minds of individuals, many Black philosophers sought to use the motifs of philosophical practice to compel people toward social ameliorations. By making race, and by extension racism, an ethical choice, Black thinkers believed that teaching whites to be more rational and just would consequentially result in less racist individuals and less societal racism. However, by the end of the decade, it had become apparent to a wide range of Black intellectuals that the persistence of race as a social force and an identity politic was not being erased by the integration of the races or the rational appeals to whites to end racism. Despite the interaction of whites and Blacks in schools, neighborhoods, and college campuses, race remained a stolid social disposition, and racism took up a more virulent and institutionalized temperament.

Black philosophers convinced of the promises of, and potential in, integration, took up a new charge against racism—a charge that sought to utilize critical applications of reason and communicative action as a radical resistance to the racist disposition of white individuals and their racial thinking. This approach, unlike the moral suasion of the previous decades, sought to make race a problem that could be addressed through the critical tools of various European philosophical canons. One of the most prominent of these projects was the work of Lucius Outlaw, which was presented in his essay “Toward a Critical Theory of Race.” In this essay, Outlaw contents himself in

²⁶ ANATOMY OF RACISM (David Theo Goldberg ed., 1990); APPIAH, *supra* note 19; DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* (rev. ed. 1991).

applying critical theory to the question and challenges of racial thinking.²⁷ He says,

In the United States in particular, “race” is a constitutive element of our common sense and thus is a key component of our “taken-for-granted valid reference schema” through which we get on in the world. And, as we are constantly burdened by the need to resolve difficulties, posing varying degrees of danger to the social whole, in which “race” is the focal point of contention (or serves as a shorthand explanation for the source of contentious differences), we are likewise constantly reinforced in our assumption that “race” is self-evident.

Here has entered “critical thought: as self-appointed mediator for the resolution of such difficulties by the promotion (and practical effort to realize) a given society’s “progressive” evolution, that is, its development of new forms of shared understanding—and corresponding forms of social practice—void of the conflicts thought to rest on inappropriate valorizations and rationalizations of “race.” Such efforts notwithstanding, however, the “emancipatory project” has foundered on the crucible of “race.” True to the prediction of W.E.B. Du Bois, the twentieth century has indeed been dominated by “the problem of the color line.”²⁸

Although Outlaw admits the lack of a biological salience in the notion of race, he nonetheless maintains “[t]hat [the assertion that] ‘race’ is without a scientific basis in biological terms does *not* mean, thereby, that it is without any social value, racism notwithstanding.”²⁹ This social importance that race maintains, despite its lack of a coherent biological category, compels Outlaw

²⁷ This tendency to view race under a Frankfurt school lens would become more prevalent in the years that followed. His utilization of Habermasian communicative theory and the promises of critical theory limited his perspectives on race and racism as a rehabilitation of Enlightenment thought. For a demonstration of this inclination in Outlaw’s work, see LUCIUS T. OUTLAW, JR., *ON RACE AND PHILOSOPHY* chs. 2, 7, 8 (1996).

²⁸ Lucius Outlaw, *Toward a Critical Theory of “Race”*, in *ANATOMY OF RACISM*, *supra* note 26, at 58.

²⁹ *Id.* at 77.

to revisit the contributions that critical theory³⁰ may hold in addressing race as a problem of social theory.

Outlaw recognized that “[f]or a number of complex reasons, the Frankfurt School . . . was not known initially so much for its theorizing about ‘racial’ problems and their resolution as for its insightful critique of social domination generally,”³¹ and the challenges of shifting critical theory’s traditional focus from class concerns to a focus on contemporary racial dynamics in the United States. As a result, Outlaw’s motivation to ask

[w]ould it be helpful for contemporary critical theory to recover the insights of twentieth-century science of ‘race’ and those of the Frankfurt School regarding ‘race,’ ‘prejudice,’ and ‘ethnocentrism’ and join them to recently developed critical-theoretic notions of social evolution to assist us in understanding and contributing to the emancipatory transformation of the ‘racial state’ in its present configuration³²

would be supplemented by an understanding of race rooted in the sociology of race formation in the United States. Outlaw’s “critical theory of race” fully endorsed the then cutting edge research on race. In highlighting the implications of Michael Omi and Howard Winant’s definition of race as “an unstable and ‘decentered’ complex of social meanings constantly being transformed by political struggle,”³³ Outlaw had created an arena to which critical theory could potentially contribute and African-American concerns for social justice could shape. By making race a process of social formation animated by the tendency towards social domination, Outlaw had successfully pointed the philosophical problem of race to its potential resolution in critical theory and a critical social engagement.³⁴

³⁰ It is ironic that Lucius Outlaw takes such care to distinguish between the critical theory of the Frankfurt School started by Horkheimer, and continued by his students Marcuse and Habermas, the critical theory referred to in literary circles, and idea of critical theory that has become synonymous with Marxism, given that this work is the beginning of the appropriation of CRT. For a discussion of Outlaw’s view on critical theory, see *id.* at 69-76.

³¹ *Id.* at 69-70.

³² *Id.* at 76.

³³ *Id.* at 77.

³⁴ White scholars commonly assume that the “critical” in Critical Legal Studies and Critical Race Theory are both species of “critical theory” and greatly exaggerate the influence of these techniques in CRT. While there is certainly a direct link between CLS and the Frankfurt school of thought that drives many

In line with the anti-essentialist tones of the times, the notion of racial formation suggested by Omi and Winant provided Outlaw with a way to displace the notion of race “as an essence[,] as something fixed, concrete, and objective.”³⁵ For Outlaw, there was a particular transformative praxis inherent in a project focused on turning critical theory towards race. By aiming to direct race discourse away from the fixed, biological, and static notions of a racial identity, Outlaw sought to resituate race on the dynamic pillars of social meanings and political contestation. This seemingly rich alternative would allow Black philosophy not only to affirm the racist rebuttals of biological determinism, but simultaneously to affirm racial identity in the social sphere as important not only to the lived experiences of Blacks, but also to any true understanding of American socio-political dynamics.

What these theorists offer [Omi and Winant] is an important contribution to a revised and much needed critical theory of race for the present and near future. And part of the strength of their theorizing lies in the advance it makes beyond the reductionist thinking of other leftist theorists while preserving the sociohistorical constructivist (socially formed) dimensions of “race.”

Part of the strength lies, as well, in the resituating of “race” as a “formation.” For what this allows is an appreciation of the historical and socially constructive aspects of “race” within the context of a theory of social evolution where *learning* is a central feature. Then we would have at our disposal the prospects of an understanding of “race” in keeping the original promises of critical theory: enlightenment leading to emancipation. Social learning regarding “race,” steered by critical social thought, might help us to move beyond racism, without reductionism, to a pluralist socialist democracy.³⁶

of CLS’ perspectives, the same case cannot be made for CRT. In fact, the conscious break of many ethnic minorities from CLS signals a turn to new intellectual paradigms.

³⁵ Outlaw, *supra* note 28, at 77 (parentheses omitted) (original quotation marks omitted). For a fuller discussion of the process of racial formation and its micro and macro properties, see generally MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1980S* (1986).

³⁶ Outlaw, *supra* note 28, at 77.

Inspired by Outlaw's Du Boisian take on race as a social formation, Lewis R. Gordon also began tackling the emerging field of critical theory and race through a phenomenological lens, maintaining that the focus on law is a limitation of CRT.³⁷ Lumping the writings of Derrick Bell, Richard Delgado, and Kimberle Crenshaw under the title of CLS, Lewis R. Gordon remarks that,

[a] constraint on the Critical Legal Studies group is the focus on *law*. Quite often, the presumption of their work is that strategies of recognition—powerfully evoking, for instance, an unemployed Latina or black mother's confrontation with the obstacles posed by the legal system and government bureaucracies, or the situation of a person of color facing juries and other facets of the criminal justice system—will have an impact on the *practice* or *implementation* of justice within the systems of laws available. In effect, the structure of interpretive legal argumentation permits criticisms of the system only to the extent to which the criticisms call for, at best, systemic adjustment. Such an approach renders revolutionary or more radical approaches to questions of law at best "interpretations" worth considering but performatively limited. As a consequence, the form of critical discussions of *race* that emerges in the Critical Legal Studies movement is usually limited by the impact of juridical conceptions of how race will be negotiated in the sphere of litigation and legislation. How about race in civil and often not so civil society?³⁸

³⁷ In correspondence between myself and Lewis Gordon, Gordon confirmed this disposition claiming, "With regard to CRT, it's unfortunate that Delgado and Bell et. al. chose that term, for what they really mean is "critical race legal theory." E-mail from Lewis R. Gordon, author, to Tommy J. Curry, Post Doctoral Fellow, Penn State University (Jan. 10, 2007) (on file with author).

³⁸ Lewis R. Gordon, *A Short History of the 'Critical' in Critical Race Theory*, APA NEWSLETTERS, Spring 1999, available at http://www.apaonline.org/publications/newsletters/v98n2_LawBlack_03.asp x. It would be irresponsible not to point out that in a prior work; Clevis Headley criticized Gordon's Existential Phenomenological accounts of racism for its lack of transformative power in the social. See Clevis Headley,

It is interesting that Gordon chooses to read CRT as part of the Critical Legal Studies movement despite various works that articulate a clear ideological and political difference between the two streams of thought.³⁹

For Gordon, critical race theory predated the actual movement of CRT for over a century and is a product of Africana thought and Black's engagement with slavery, rather than a particular movement against post-civil rights ideology.⁴⁰ Among the authors of critical race theory, Gordon names Edward Blyden, Anna Julia Cooper, Martin Delany, Fredrick Douglass, and of course W.E.B. Du Bois and Frantz Fanon.⁴¹ These authors make the cut, so to speak, because they engage in a self-reflective reflection on racial identity. Gordon is generous enough to recognize this self-reflective disposition as a historic phenomenon rooted in the existential encounters African-descended people have had with the modern world since their enslavement,⁴² but one has to wonder at the parameters of such a definition, as they seem exceptionally broad. Gordon, however, maintains that critical race theory can be practiced in various ways with no one methodological orientation.⁴³ Is this generalization the same for any type of philosophical motif, or are their rules to the game?

In Gordon's view, the "critical" in critical race theory serves three primary functions in Africana thought. For some, "[it] serves a purely negative function—to determine what must be eliminated or rejected."⁴⁴ These theorists, contends Gordon, are inclined to reject race on the basis of its social constructivity.⁴⁵ For others, the word critical serves as a propaedeutic—"to determine the transcendental conditions of meaning and limits of

Existential Phenomenology and the Problem of Race: A Critical Assessment of Lewis Gordon's Bad Faith and Anti-Black Racism, 41 PHIL. TODAY 334 (1997).

³⁹ For a discussion of this division, see Harlon L. Dalton, *The Clouded Prism: Minority Critique of the Critical Legal Studies Movement*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 80-84 (Kimberle Crenshaw et al. eds., 1995); *Introduction*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT, *supra*, at xiii-xxxii; Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies have What Minorities Want*, 22 HARV. C.R.-C.L.L. REV. 301, 315 (1987); Angela Harris, *The Jurisprudence of Reconstruction*, 82 CAL. L. REV. 741 (1994);

⁴⁰ Gordon, *supra* note 38.

⁴¹ *Id.*

⁴² *See id.*

⁴³ *See id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

concepts, in this case, the concept of ‘race.’”⁴⁶ Or finally, it can represent, as Gordon’s work indicates, a self-engaged phenomenological dimension of the contradictions that emerge in racial identity—its “paradoxes and failures [in] intentional life.”⁴⁷ These definitions, which seem to be in tension, are unified by Gordon through their normative aspect. He states,

A properly critical race theory must address, in other words, the fact that no human being *is*, nor is able to *live*, one (*and only one*) identity without collapsing into pathology. In addition, a properly critical race theory must be willing to explore the possibility of systemic failure, a failure which may require radical transformations of the matrices through which a society’s resources are distributed and through which they are interpreted. From this point of view, liberating practices aim at opening possibilities for more humane forms of social relations. In effect, it argues for “material” and “semiotic” conditions of human possibility. As such, it’s a theory that bridges the identity and liberation divide.⁴⁸

While cogent, this perspective is much too broad to engender any specific methodological approach to the study of race. In short, it fails to differentiate. The admission that no human being is, nor is able to live a single identity can be an existential problem, just as easily as it can be a post-structural nihilism in which one can never express the coherent understanding of the self. There is nothing that delineates the racial aspect of the self from other categories of post-modern trauma. In an even more dreadful scenario, one has to wonder about the contradictory aspects of placing a construct like “race” next to a modifier like “critical” given the socialized framing of race in America. If Gordon aims for liberatory interpretation, then is such a project negated by the resistance of the racial category to adjust itself outside of its historic reference? Regardless of how one may think about race in America, the word still refers to specific racial referents and groups of people. How can one escape that?

The problem that emerges in thinking seriously about Gordon’s view is a problem of the racial proxemic, or how close

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Blacks can get to the inquiry of a racial problem until they are abstracted into the inquiry as a racial problem. Though unnamed, this problem has been alluded to before in the work of Gordon, but it remains a question of existential identity in relation to teleological liberation, instead of a question of historo-cultural identity and liberatory action. In “Du Bois’s Humanistic Philosophy of the Human Sciences,”⁴⁹ Gordon enters into conversation with Du Bois over the existential question of “what I am” in relation to the teleological assignment of liberation.⁵⁰ In looking to Du Bois’ “The Souls of Black Folk,” Gordon sees Du Bois’ pronouncement that the problem of the 20th century is the problem of the color line, as a hermeneutical as well as political problem.⁵¹ Gordon remarks,

In his 1903 classic *The Souls of Black Folk*, W.E.B. Du Bois made a prognosis that has haunted the twentieth century: “Herein lie buried many things which if read in patience may show the strange meaning of being black here at the dawning of the Twentieth Century. This meaning is not without interest to you, Gentle Reader; for the problem of the Twentieth Century is the problem of the color line” (1903, 41). When Du Bois wrote “Gentle Reader,” he was being more than rhetorical, for this “Reader,” for whom there was once presumed a lack of interest and, therefore, (falsely) a lack of relevance, is here alerted that his or her condition, being other than black, was inscribed in the core of the problems in question.

The black, whose “strange meaning” and “being” were also called into question as “the Negro problem,” represented also a tension in the presumed order. Du Bois did not here write about being black but about its meaning. He announced a hermeneutical turn that would delight even his most zealous philosophical successors. This hermeneutical turn signaled a moment in a complex struggle, a moment marked by its admission of incompleteness and probably impossible closure.

⁴⁹ Lewis R. Gordon, *Du Bois’s Humanistic Philosophy of Human Sciences*, 568 ANNALS AM. ACAD. POL. & SOC. SCI. 265 (2000).

⁵⁰ *Id.* at 267.

⁵¹ *Id.* at 266.

The black, subject to interpretation, became a designation that could be held by different groups at different times and as such was both concrete and metaphorical. If the color line is at the mercy of interpretive blackness, then its boundaries carry risks, always, of changing and overlapping.⁵²

Gordon correctly points out the tension that emerges from trying both to challenge the social manifestations of racism and racial problems (Negro problems), and to maintain an ontological distance from what it means to be those problems under study.⁵³ In arguing for an existential sociology that takes “seriously the conditions of objectivity raised by the intersubjective dynamics of the social world and the existential problematic of how human beings live,”⁵⁴ Gordon believes he remedies the problem raised in the existential absorption of the “I” into the stasis of ontological problems—a fixed racial identity. Unfortunately, however, Gordon believes what grounds Blacks and prevents us from slipping into the perpetuity of an ontological imprisonment is the self-reflective capacity of our humanity.⁵⁵ In Blacks’ humanity, a humanized self—a self that knows where its humanity (its transcendental being) begins and the social contingency of its racial identity ends—is transformative and changes the very conditions of our historical recognition. Instead of being recognized as ontological entities of the world, the asserted humanity of Blacks takes up an agency that participates in and changes the world. In other words, Black being has an effect upon the world and the society in which Blacks live, instead of being a problem in the terrain.

Gordon’s alternative, while compatible with the en vogue complexity of the post-colonial self, is quite distant from the grounded social and cultural perspectives of race that have historically benefited Blacks.⁵⁶ Their race and their humanity are

⁵² *Id.*

⁵³ *See id.* at 276.

⁵⁴ *Id.* at 278.

⁵⁵ *Id.*

⁵⁶ Because race was scientifically solidified and anthropologically driven by evolutionary accounts that thought different races have distinct racial destinies, historically, Blacks at the turn of the century did not manifest the types of insights that many philosophers credit them with. Race, because it was a historically fixed boundary, determined the “racial gifts” and the agendas of racial advancement. This idea was accepted, not disowned as many contemporary Black thinkers would have us believe.

indistinguishable and cannot be understood as two separate categories and interacting concepts; these two concepts constitute one another. Blacks assert their humanity in their attempts to secure specific racial rights, privileges, and self-determination for their culture, while simultaneously asserting their racial identity through their humanity, by claiming Africa had culture and civilization, and that African-descended people in America are in fact a historical and cultural people deserving of that acknowledgement. In light of the concrete historical manifestations of Black struggles for liberation, the various abstractions of a raced and splintered ego-logical self fail to convince. The historical challenges of oppression, Black suffering, and the unabated murder of Blacks from poverty, disease, and police brutality—the largely ignored background of many philosophical banter—show not only the existential crisis that emerges from struggle and strife, but also the operating dynamics of white supremacy that make Black suffering a structural necessary to the American social order.

In Gordon's work, there is the tendency to universalize subjectivity as if existential identity transcendently grounds the path towards liberation. Grounding an existentially responsible humanity in a philosophically examined Black identity does not reveal a definite path to liberation; it provides no strategies, no resources, and no acknowledgment of the actual barriers to social, economic, or political justice beyond how we should think about racial identity. Regardless of the risk involved with conflating one's own Blackness with the social reality of Blackness, Blacks must act against the legal, social, and economic oppression sustained by white domination. As scholars we have to be cautious of philosophical thinking that fails to improve the quality of life for Blacks and impedes the actions that may ameliorate their conditions for the sake of ethical or philosophically interesting alternatives. White supremacy does not retreat in the face of philosophically interesting quibbles: it only abates when it is confronted with its own disempowerment.

Aware of the aforementioned problem of the existentially reflective self in Gordon's work, Charles Mills' work seeks to encounter and challenge the racial polity sustained by the racial contract.⁵⁷ From Mills perspective, critical race theory was a "term originally associated specifically with minority

⁵⁷ CHARLES W. MILLS, *THE RACIAL CONTRACT* (1997).

viewpoints”⁵⁸ but is now being used generally to refer to a new paradigm that “takes race, normative whiteness, and white supremacy to be central to U.S and indeed recent global history.”⁵⁹ In Mills interpretation of Du Bois, Du Bois is advocating a critical race theory against whiteness—one that reflects the property interest and unjust tyranny of white supremacy sustained by a racial polity.⁶⁰ This is a Du Bois convinced of the seriousness of white supremacy, not to the extent that Blacks internalize the existential strife caused by its various manifestations, but to the extent that white supremacy negatively affects Blacks in its various manifestations. While still maintaining an anti-essentialist tone, Mills admits that

[t]he content and boundaries of whiteness will be shifting, politicized, the subject of negotiation and conflict.

But the bottom line, the ultimate payoff for structuring the polity around a racial axis, is what W.E.B. Du Bois once called “the wages of whiteness.” Particularly in the United States, usually viewed as a Lockean polity, a polity of proprietors, whiteness is, as Derrick Bell, Cheryl Harris, George Lipsitz, and others have pointed out, *property*, differential entitlement.⁶¹

This entitlement, which is always exploitative, “is not merely full personhood, first-class citizenship, ownership of the aesthetically normative body, membership in the recognized culture; it is also material benefit, entitlement to differential moral/legal/social treatment, and differential rational expectations of economic success.”⁶² Though Mills correctly diagnoses the problems in line with CRT, he retreats into the racial idealism so prevalent in critical theories of race the moment he believes that the political/legal/social/moral concretization of whiteness can be remedied in the act of naming, or “the formal recognition of white supremacy.”⁶³ According to Mills,

⁵⁸ CHARLES W. MILLS, *The Racial Polity*, in BLACKNESS VISIBLE: ESSAYS ON PHILOSOPHY AND RACE 119 (Charles Mills ed., 1998).

⁵⁹ *Id.*

⁶⁰ For a discussion of Mills’ take on Du Bois and whiteness, see *id.* at 130-137.

⁶¹ *Id.* at 135.

⁶² *Id.*

⁶³ *Id.* at 137.

Black activists have always recognized white domination, white power . . . , as a political system of exclusion and differential privilege, problematically conceptualized by the categories of either white liberalism or white Marxism. The “Racial Contract” can thus be regarded as a black vernacular (literally: “the language of the slave”) “Signifyin(g)” on the social contract, a “double voiced,” “two-toned,” “formal revision” that critique[s] the nature of (white) meaning itself,” by demonstrating that “a simultaneous, but negated parallel discursive (ontological, political) universe exists within the larger white discursive universe.” It is a black demystification of the lies of white theory, an uncovering of the Klan robes beneath the white politician’s three-piece suit. Ironic, cool, hip, above all *knowing*, the “Racial Contract” speaks from the perspective of the cognizers whose mere presence in the halls of white theory is a cognitive threat because—in the inverted epistemic logic of the racial polity—the “ideal speech situation” requires our absence, since we are, literally, the men and women *who know too much*, who-in that wonderful American expression—*know where the bodies are buried* (after all, so many of them are our own). It does what black critique has always had to do to be effective: it situates itself in the same space as its adversary and then shows what follows from “writing ‘race’ and [seeing] the difference it makes.” As such, it makes it possible for us to connect the two rather than, as at present, have them isolated in two ghettoized spaces, black political theory’s ghettoization from mainstream discussion, and white mainstream theory’s ghettoization from reality.⁶⁴

Unfortunately, the potential benefits gained by Mills’ critique of philosophy and the racial contract are overshadowed by his reliance on the promises of philosophy and rational discourse to dislodge the social and psychological entanglements with supremacy in white minds. Mills’ effort to connect Black political theory and white mainstream philosophy throws his critical

⁶⁴ MILLS, *supra* note 57, at 131-132.

triumphs upon his unwarranted belief in white compassion and the ill-had faith in reason and moral suasion. Despite 131 pages supporting the claim that racism is inextricably linked to the white mind and whites' reality, on the last page Mills asserts that simply "naming this reality brings it into the necessary theoretical focus for these issues to be honestly addressed."⁶⁵ Yet again, another philosophical engagement with racism is overshadowed by the assumption that whites can and will stop acting on their "whiteness" given the opportunity and proper persuasion.

These three varieties of critical theories of race represent the development of critical theories of race under the umbrella term of a critical race theory. However, the reader can certainly ascertain very clear, if not contradictory, trends, not only between CRT and the philosophical variety of critical theories of race, but also between the approaches outlined in the works of Lucius Outlaw, Lewis Gordon, and Charles Mills. These tensions represent a lack of methodological cohesion and fail to sustain any argument for a genuine intellectual movement in philosophy that should overshadow the long tradition of CRT. Well, if you can't beat 'em is there any value in critical theories of race joining the ranks of CRT? Or stated differently, does philosophy contribute anything of theoretical substance to the actual perspectives of CRT?

ARE MISUNDERSTANDINGS CONTAGIOUS?: HOW "CRITICAL THEORIES OF RACE" FAIL TO CONTRIBUTE TO UNDERSTANDING RACISM

When philosophers approach CRT, they usually characterize it as a perspective no different from historical critical treatments of the concept of race in the "the development of Africana thought, which began in the eighteenth century with, ironically, critical efforts to render slavery illegal."⁶⁶ This discussion, while interesting, has failed to make the necessary contributions to CRT as an intellectual and pedagogical movement because of the persistent conflation of CRT and critical theories of race. No scholar would deny the thematic association of the ideas of CRT and critical theories of race, but to say they are synonymous fails to address the specific demands and intellectual commitments of the CRT movement. Most critical theories of race are focusing on how to understand race and experience under that

⁶⁵ *Id.* at 132-133.

⁶⁶ Gordon, *supra* note 38.

racial category, not positing, as does mainstream literature in CRT, the reality and unchanging nature of racism in America and the political and social advocacy necessary to combat it. Whereas philosophy is dedicated to the continuation of rational and ethical suasion, CRT acknowledges the need for radical political and legal activism against whites and whiteness.

Traditionally the philosophical contributions to CRT have focused on the ethics behind the political motivations in a racial identity politics. The most developed work representative of this concern is Shuford's article "Four Du Boisian Contributions to Critical Race Theory."⁶⁷ John Shuford's approach, not unlike Lewis Gordon's before him, reads CRT through a Du Boisian lens. Unfortunately, however, Shuford looks to Du Bois' early works—works that Du Bois himself admits were written in the midst of a certain intellectual immaturity,⁶⁸ and not the later works of Du

⁶⁷ John Shuford, *Four Du Boisian Contributions to Critical Race Theory*, 37 TRANSACTIONS CHARLES S. PEIRCE SOC'Y 301 (2001).

⁶⁸ See W.E.B. DU BOIS, THE AUTOBIOGRAPHY OF W.E.B. DU BOIS: A SOLILOQUY ON VIEWING MY LIFE FROM THE LAST DECADE OF ITS FIRST CENTURY (1968). A reading of Du Bois' last autobiographical expression reveals quite a different view of double consciousness and the centrality of this argument to Du Bois' actual thought. Du Bois remarks of the 1890s,

I tried to isolate myself in the ivory tower of race. I wanted to explain the difficulties of race and the ways in which these difficulties caused political and economic troubles. It was this concentration of thought and action and effort that really, in the end, saved my scientific accuracy and search for truth. But first came a period of three years, when I was casting about to find a way of applying science to the race problem. . . . The partition, domination, and exploitation of Africa gradually entered my thought as part of my problem of race. I saw in Asia and the West Indies the results of race discrimination while right here in America came the wild foray of the exasperated Negro soldiers at Brownsville and the political-economic riot at Atlanta.

Id. at 208-209. In chapter 12 of this work, Du Bois continues describing the shift of his work from 1910-1920 towards a critique of colonialism: a thesis clearly developed in his 1946 work *The World and Africa*. See W.E.B. DU BOIS, THE WORLD AND AFRICA (1946). In fact, in a rare and practically uncited speech by Du Bois on April 1, 1960, Du Bois argues that the future of the Black race does not reside in the idea of equality that emerges from desegregation. See George Breathett, *William Edward Burghardt Du Bois: An Address to the Black Academic Community*, 60 J. NEGRO HIST. 45 (1975). This is the Du Bois that influences CRT and that can be seen in some of the earliest works of Derrick Bell, a civil rights attorney, particularly interested in the challenges of desegregations. For textual evidence of this use of Du Bois, see Derrick A. Bell,

Bois, where he confronts *Brown v. Board of Education*, desegregation, and imperialism. By drawing from the more popular interpretations of Du Bois that intersect with European phenomenology and the tension between personhood and community so prevalent in early classical American philosophy, Shuford subscribes to the white washed interpretations of Black philosophy which share no actual connections to either the genealogy or contemporary concerns of CRT.

Shuford continues that Critical Race Theorists should embrace four additional Du Boisian principles to guide their movement.

[First], the “impossibility” of racial eliminativism; [second,] the worth of “races” toward liberatory culture-making; [third,] the “inescapability” of whiteness as an ontological condition of indebtedness; and [fourth, a] revision of racial gifts discourses to motivate racial redress as gifts of atonement toward mutual healing and delegitimization of racialized commodification practices.⁶⁹

The weakness in Shuford’s work is not that it is insufficiently correct but that it is actually impotent against the forces that are actively undermining CRT. Shuford’s work is ultimately not concrete enough to act as a corrective to the problems that plague the study of Black problems. Even in the moments where Shuford tries to address problems that have traditionally concerned CRT, his analysis sounds more like a intellectualization of philosophical multiculturalism, rather than an actual challenge to the property rights whites claim in their whiteness. Shuford maintains that “[p]hilosophical and political shifts towards a Du Boisian influenced racial revisionism does not require that [sic] a wholesale rejection of eliminativism,”⁷⁰ or whiteness, since “the liberatory culture making of racial redress and white identity revaluation should involve ongoing *atonement* as a means of deconstructing ‘whiteness as property,’ and promoting mutual

Jr., *The Legacy of W.E.B. Du Bois: A Rational Model for Achieving Public School Equity for America’s Black Children*, 11 CREIGHTON L. REV. 409 (1978).

⁶⁹ Shuford, *supra* note 67, at 301-302.

⁷⁰ *Id.* at 330.

healing through a racial gift exchange, the source of which is whites' ongoing indebtedness."⁷¹

But Du Bois himself abandoned this avenue of thinking, which appeals to the conscience of white America, in his later works, as he could not enable whites to see their imperial privilege in whiteness. While Shuford aims to be socially transformative, not one of his claims address either the structural or material reasons that whites may not want to express indebtedness to African descended people, or address the reality of events like Katrina and the enduring systemic oppression of African people in America as obstacles preventing dialogue. Even if we accept the contention of race theorists like Gordon and Shuford up to this point, how do Blacks respond to the material and social oppressions that take precedence over the moral understandings of white privilege? Whereas CRT offers concrete thinking about policy and social reformation, Gordon and Shuford merely reiterate various euphemisms for social compassion.

This push for thinkers investigating race to urge colleagues and society at large to a greater social compassion is nothing out of the ordinary for philosophy and is part of a larger program to enhance the visibility of the field. Historically, the discipline of philosophy has had problems attracting African/a people to the field and matriculating Black doctorates.⁷² Because of this underrepresentation, African American philosophy is institutionally marginalized and popularly seen as irrelevant to the overall legitimacy of American and Continental traditions. Remarking on the status of African American philosophy, Harvard professor Tommie Shelby writes that

Within the broader discipline of philosophy as practiced in the United States, African American philosophy is still largely marginalized. Many philosophers regard it as not real philosophy at all. And when it is considered philosophical, it is given the label *applied philosophy*, a term often used derisively to denote work that is considered "soft" or

⁷¹ *Id.* at 328.

⁷² See Leonard Harris, "Believe it or not" or the Ku Klux Klan and American Philosophy Exposed, PROC. AND ADDRESSES OF THE AM. PHIL. ASS'N, May 1995, at 133, 133-135 (arguing that philosophy as a discipline perpetuates the exclusion, denigration and racist practices of ignoring people of color to an extent that is both comparable and desirable by the KKK).

only marginally philosophical. Indeed, apart from debates about affirmative action, African American issues are rarely given sustained and explicit philosophical treatment in mainstream venues (such as leading journals, college courses, and departmental colloquia).⁷³

Because African American/Africana philosophy still struggles against a consciously enforced marginalization, a unique situation has arisen in the field: African-descended people in the discipline of philosophy seldom utilize the intellectual resources developed by Black scholars, especially those in CRT, for fear of stigmatization-- being too Black. Black authors have to be considered safe for white consumption, so the few appeals to Black thought, are usually presented in the more acceptable idealist version, enabling white scholarship to continue its long accepted practice of reading Black thinkers only to the extent that their work coincides with white philosophical traditions. This phenomenon is even more complex when we consider the historical Black figures taught and mentioned in philosophical circles: only Black authors compatible with post-structural agendas or cosmopolitan care ethics are included in the mainstream philosophical curricula. Black philosophers are *chosen* not for the profundity of their thought, but by the potential coalescence their thought has with established white tradition. Given both the imperial copyright placed on Black thinking and the country club exclusion of Black participation, one is hard pressed to see how genuine race theory can emerge from the racial apartheid maintained by contemporary philosophical disciplinarity.

WHEN JUNGLE FEVER GETS DANGEROUS: SULLIVAN'S EPIDEMIC

One of the most recent works supposedly-CRT philosophical works was written by Shannon Sullivan, an Associate Professor of Philosophy and Women's Studies at Pennsylvania State University. Sullivan was brought to Critical Race Theory (CRT) through her work in feminism. In her book, *Revealing Whiteness: The Unconscious Habits of Racial*

⁷³ TOMMIE SHELBY, *WE WHO ARE DARK: THE PHILOSOPHICAL FOUNDATIONS OF BLACK SOLIDARITY* 13-14 (2005).

Privilege,⁷⁴ she continues a conversation with CRT that she had begun in an attempt to understand how “sex, gender, race, male, and white privilege transact in complex ways.”⁷⁵ As she explains on page 11 of the Introduction, “[m]y being a woman and a feminist led me to focus on and (hopefully) better understand race and white privilege. But another way of explaining this shift in focus is to say that I began to concentrate on race and white privilege because of sexism.” Sullivan’s personal journey to the question of race is the single most clarifying mechanism in the conceptual schema that she develops in this work, as she tries to approach race from her psycho-analytic and pragmatist roots. This view not only defines her approach but also renders her reading of Black authors to be fundamentally rooted in the traditions she justifies through her own white experience.

In an earlier work, “The Unconscious Life of Race: Freudian Resources for Critical Race Theory,” Sullivan paraphrases Mills’ claim that “[u]nlike race theory of the seventeenth through the mid-twentieth century, critical race theory theorizes race for the purpose of eliminating racism.”⁷⁶ While Sullivan’s endnote to this passage points the reader to page 126 of Mills’ 1997 work, she does not make note of the source that Mills has used to label himself a critical race theorist.⁷⁷ Mills defines his theoretical allegiance to CRT based on the prescriptions outlined in *Critical Race Theory: The Key Writings that Formed the Movement*.⁷⁸ Sullivan understands her work to be involved in that conversation without seriously investigating the themes of the movement or sincerely engaging the question of

⁷⁴ SHANNON SULLIVAN, REVEALING WHITENESS: THE UNCONSCIOUS HABITS OF RACIAL PRIVILEGE (2006).

⁷⁵ *Id.* at 11.

⁷⁶ Shannon Sullivan, *The Unconscious Life of Race*, in REREADING FREUD: PSYCHOANALYSIS THROUGH PHILOSOPHY 195, 197 (Jon Mills ed., 2004).

⁷⁷ *Id.* at 214 n.6.

⁷⁸ See MILLS, *supra* note 57, at 160 n.75. Note 75 reads, “For representative works in *legal* theory, the original home of the term, see Delgado, *Critical Race Theory*; and Kimberle Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas, eds., *Critical Race Theory: The Key Writings that Formed the Movement* (New York: New Press, 1995). The term, however, is now beginning to be used more widely.” *Id.* Here Mills credits *Critical Race Theory: The Key Writings that Formed the Movement* for his definition. Sullivan on the other hand only reads Mill’s singular work and as such fails to grasp the long intellectual traditions associated with CRT and its debate about the unconscious aspects of white racism. It is also relevant to note that Charles Lawrence’s famous essay “the Id, the Ego, and Equal Protection” is presented in its entirety in this anthology.

whether white authors, especially white feminists, can even participate in CRT. This understanding proves even more problematic when Sullivan claims that it is “[p]erhaps because of psychoanalysis’ reputation for being apolitical, few critical race theorists have turned to psychoanalysis for help in addressing, the status of the concept of race or devising theoretical tools needed to fight racism.”⁷⁹ The exceptions to this general rule, ironically, are other white feminist thinkers like Elizabeth Abel, Tina Chanter, and Kalpana Seshadri-Crooks, as well as white male scholars who look at race solely from the psychoanalytic perspective.⁸⁰ This distortion of the field is representative of the problems associated with interpreting critical race theory as a general study of race. Sullivan’s work demonstrates what Black scholars know all too well, namely, that whites even in speaking about Blackness will write themselves and the work of those that look like them into the theoretical archives of any movement. By claiming that the work of other white scholars that align with her psycho-analytic feminist orientation are critical race theorists, Sullivan’s work props up an illusory community in philosophy supported solely by the politics of their racial compassions as whites willing to speak about race.

Following the model put forth in prior decades by white scholars like Robert Bernasconi, where whites trained in areas outside of race theory can make themselves experts in the field almost overnight based solely on their new-found interest in and compassion towards race questions,⁸¹ Sullivan’s work acts as an

⁷⁹ Sullivan’s arguments suggest a level of ignorance on the part of Critical Race Theorists that is undeserved. CRT has rejected psychoanalysis because it did not work in CLS and race-crits do not feel that it can work for them. Critical Legal Scholars have traditionally sought answer from psychoanalysis and Marxist traditions, CRT made a conscious break from these modes of analysis. See Delgado, *supra* note 39.

⁸⁰ See SULLIVAN, *supra* note 74, at 7.

⁸¹ One of the earliest publications representing Robert Bernasconi’s approach to African/a philosophy and race is “African Philosophy’s Challenge to Continental Philosophy.” Robert Bernasconi, *African Philosophy’s Challenge to Continental Philosophy in POSTCOLONIAL AFRICAN PHILOSOPHY: A CRITICAL READER* (Emmanuel Chukwudi Eze ed., 1997). While this essay should be commended for its acknowledgement of the differing cultural perspective of African philosophy, it is a blatant example of how a Continental philosopher specializing in Heidegger can easily use traditional tools and concepts as a bridge between mainstream philosophy and race theory. In another essay by Robert Bernasconi entitled “Waking Up White and in Memphis,” Bernasconi tells of his experience of not knowing he was white, despite coming from Britain—the nation most responsible for America’s racial taxonomy, until he came to Memphis. Bernasconi, *supra* note 18, at 17-25. It is interesting to

erasure of the decades of CRT work done by scholars of color. By choosing to read historic Black authors as in line with her white racial identity, Sullivan's work chooses to "epistemically converge" Black thinkers like W.E.B. Du Bois into the established methods of psycho-analytic feminism without any attention to the violence done to Black scholarship by this act of colonization.⁸² Rather than deal with concrete issues of racism and oppression, Sullivan's work prefers to give a descriptive account of whiteness as an unconscious habit with ontologically expansive tendencies, those tendencies of white people "to act and think as if all spaces—whether geographical, psychical, linguistic, economic, spiritual, bodily, or otherwise—are or should be available for them to move in and out of as they wish."⁸³ It is amazing that Sullivan's work takes such care to describe the phenomenon of ontological expansiveness but proceeds without regard to this type of expansiveness in her use of Black philosophers. While Sullivan is adamant of the role that philosophy can play in performing "subtle emotional work that richly engages the nonreflective aspects of white privilege,"⁸⁴ she is ignorant of the politics of whiteness involved in her need to establish convergences with Black thinkers as an indication of the authenticity of her racial compassion.

ARE MISINTERPRETATIONS CONTAGIOUS?: EPISTEMIC CONVERGENCE AT WORK IN SULLIVAN'S READING OF DU BOIS

Sullivan analyzes whiteness as an unconscious habit, not in the traditional psycho-analytic sense, where a habit is isolated from the conscious mind,⁸⁵ but in the sense that a habit is "constitutive of the self."⁸⁶ Her argument in *Revealing Whiteness* holds that "[h]abits, whether those of race or other characteristics

compare Bernasconi's accounts of "whiteness" to the scholarship of Black scholars from the U.K. like Paul Gilroy and Mark Christian.

⁸² For a discussion of the colonialization of Black philosophical thought by whites (mis)-interpreting Black texts, see Kenneth Stickers, *An Outline of Methodological Afrocentrism, with Particular Application to the Thought of W.E.B. DuBois*, 22 J. SPECULATIVE PHIL. 40 (2008). For a more thoroughly examined account of white participation in Africana thought and the dangers of epistemic convergence in critical race theory, see Tommy J. Curry, *Cast Upon the Shadows: Essays toward the Culturalogic Turn in CRT* (2008) (unpublished Ph.D dissertation, Southern Illinois University Carbondale) (on file with author).

⁸³ SULLIVAN, *supra* note 74, at 10.

⁸⁴ *Id.* at ∞.

⁸⁵ *Id.* at 2.

⁸⁶ *Id.*

of contemporary human existence, such as gender, sexuality, and class are not some sort of veneer lacquered onto a neutral human core. They are dispositions for transacting with the world, and they make up the very beings that humans are.”⁸⁷ Given Sullivan’s understanding of habits in relation to race, gender and class, it is not surprising that she concludes that “it is important to retain the concept of race even though it originated in practices of racism and white supremacy.”⁸⁸ However, her assertion that race as a concept is needed to understand the relations between groups and the individuals that make up those groups, means that she will inevitably have to confront the dangers of suggesting that a liberatory white identity is not only possible but a fundamental requisite in redefining the idea of race progress in America.⁸⁹ Unfortunately then, this perspective focuses not on the historical traumas associated with the experience of racism but rather the revelation whites can have in looking within themselves and philosophically interrupting the claims they individually have to privilege. In fact, Sullivan’s most recent work entitled “Whiteness as Wise Provincialism: Royce and the Rehabilitation of a Racial Category,”⁹⁰ goes in this exact direction, arguing that whites can and should retain “whiteness” as a racial identity to be used for anti-racist liberatory struggle.

However, it is in the first chapter of Sullivan’s 2006 book, *Revealing Whiteness*, that she first articulates the foundational elements in her critical perspective on whiteness. In this work, Sullivan goes for the throat of the standard multiculturalist line arguing that white privileged ignorance, the “ignorance that benefits and supports the domination of white people,”⁹¹ cannot be overcome by simply filling in the gaps in white people’s knowledge of racialized peoples. By writing out all the previous work done in the CRT decades before that argue against the idea that whites can be convinced to pursue anti-racist lives, Sullivan

⁸⁷ *Id.*

⁸⁸ *Id.* at 3.

⁸⁹ In fact, she states that “I currently am working on what it might mean to transform whiteness into something other than a category of racial oppression.” For more information on Shannon Sullivan, see Pennsylvania State University Department of Philosophy, <http://philosophy.la.psu.edu/faculty/profiles/sullivan.shtml> (last visited Feb. 24, 2009).

⁹⁰ Shannon Sullivan, *Whiteness as Wise Provincialism: Royce and the Rehabilitation of a Racial Category*, 44 *TRANSACTIONS CHARLES S. PEIRCE SOC’Y* 236, 236-262 (2008).

⁹¹ SULLIVAN, *supra* note 74, at 18.

credits herself with this novel claim and announces that the mistake of many people of color is that they believe that the “problems of racism are solvable with straightforward hard work and persuasive rational argumentation.”⁹² Sullivan contends that this naivety not only diagnoses the ailment of many critical race theorists but has been an historic weakness in many African American philosophers’ accounts of race, including the hero of her work W.E.B. Du Bois.⁹³

By Sullivan’s account, early in his career (1897-1910), Du Bois held that “white people were fundamentally morally and personally good.”⁹⁴ This apparently changed in 1920, with Du Bois’ publication of *Darkwater*. According to Sullivan, Du Bois’ shift came when he recognized “[w]hat had initially seemed to him like an innocent lack of knowledge on white people’s part revealed itself to be a malicious production that masked the ugly Terrible of white exploitative ownership of non-white people and cultures.”⁹⁵ Sullivan argues that this revelation in Du Bois’ thought caused him to abandon his faith in liberalism and develop the idea of unconscious racist habits. It is this turn in Du Bois’ writings that drives Sullivan’s claim that his use of the term ‘unconscious habit’ is a synthesis of Freudian psycho-analysis and a pragmatist

⁹² *Id.* at 19.

⁹³ What is most disturbing about Sullivan’s work is her interpretation of Critical Race Theory. Throughout her book the reader is never given a definition or tradition to gauge Sullivan’s self proclaimed conversation with Critical Race Theory. Even a preliminary survey of the two foundational anthologies in CRT—CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberle Crenshaw et al. eds., 1995), and CRITICAL RACE THEORY: THE CUTTING EDGE (Richard Delgado & Jean Stefancic eds., 2d ed. 2000) (1999), give the reader a very different account of whiteness than Sullivan presents. Derrick Bell, *Racial Realism*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT, *supra*, at 302-312; Gary Peller, *Race-Consciousness*, in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT, *supra*, at 127-158; and Mary L. Dudziak, *Desegregation as Cold War Imperative*, in CRITICAL RACE THEORY: THE CUTTING EDGE, *supra*, at 106-117, illustrate a vision of whiteness and white benevolence that is questioned at the very beginning of Critical Race Theory’s investigations. A quick read of the introduction of *Critical Race Theory: An Introduction* paints a similar picture. RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION (2001). CRT as a method presupposes whiteness and racism as a permanent and unchanging American tradition. Sullivan’s work seeks to contribute to CRT, by writing out its methodological and philosophical underpinnings.

⁹⁴ SULLIVAN, *supra* note 74, at 20.

⁹⁵ *Id.*

understanding of habit passed on to Du Bois from his study of James.⁹⁶

Needless to say, Sullivan's interpretation of Du Bois' thought is grossly exaggerated and inaccurate. Because Sullivan is ideologically committed to marking a shift from Du Bois' naiveté—his belief in his ability to rationally convince whites of the irrationality of racism—to a Freudian psychoanalytic perspective, her work seriously distorts Du Bois' actual attacks on whiteness. Sullivan's contention of a psychoanalytic shift in Du Bois is primarily rooted in his acknowledgement of whites' psychological attachment to a white racial identity in 1920 with his publication of *Darkwater*, but this contention by Sullivan is incorrect. According to Sullivan, it was Du Bois' infamous essay, "The Souls of White Folks," that signaled his abandonment of the belief that white people were fundamentally good.

Yet, this essay was simply the combination of two shorter essays entitled "The Soul of White Folk" and "Of the Culture of White Folk," published in 1910 and 1917 respectively.⁹⁷ Thus, Du Bois was engaging the question of whiteness and the fundamental corruption in white culture at least a decade before Sullivan acknowledges. Du Bois recognized that whites would not likely be swayed by rational argument well before 1920⁹⁸ but chose to pursue a strategy centered on rational persuasion over his initial solution of violent revolt. As Du Bois confesses, "[t]here was a time when I thought that the only way in which progress could be made in the world was by violence. I thought that the only way that the darker people were going to get recognition was by killing a large number of white people."⁹⁹ But when Du Bois recognized

⁹⁶ *Id.* at 21.

⁹⁷ See W.E.B. Du Bois, *The Souls of White Folk*, 69 INDEP. 339-442 (1910) and W.E.B. Du Bois, *Of the Culture of White Folk*, 7 J. RACE DEV. 434-447 (1917).

⁹⁸ As early as 1909, Du Bois recognized the evolving dynamics of white racism. See W.E.B. Du Bois, *The Evolution of the Race Problem*, in W.E.B. DU BOIS SPEAKS: SPEECHES AND ADDRESSES 1890-1919 196-210 (Philip S. Foner ed., 1970).

⁹⁹ W.E.B. Du Bois, *Interview with Dr. Du Bois*, in 2 THE SEVENTH SON: THE THOUGHTS AND WRITING OF DU BOIS 702 (Julius Lester ed., 1971). It is also worthwhile to note this was a constant issue of struggle for Du Bois, he was constantly wavering between advocating peace and supporting war. Of this tension he says,

As I look back on my own attitude toward war during the last 70 years, I see repeated contradiction. In my youth, nourished as I was on fairy tales, including some called History, I quite

Blacks would not attain equality “by sheer force of assault, because of our relatively small numbers,”¹⁰⁰ he turned to an assault on the errant beliefs of white culture. This is when Du Bois began to believe that Black equality

could only be gained as the majority of Americans were persuaded of the rightness of our cause and joined with us in demanding our recognition as full citizens. This process must deal not only with conscious rational action, but with irrational and unconscious habit, long buried in folkways and custom. Intelligent propaganda, legal enactment, and reasoned action must attack the conditioned reflexes of race hate and change them.”¹⁰¹

“Slowly but surely,” said Du Bois, “I came to see that for many years, perhaps many generations, we could not count on any such majority,”¹⁰² as whites throughout the world were set against racial equality. Between 1910 and 1930, Du Bois understood the need for Black organization in any effort to challenge racism. With the impossibility of violence and his inability to curtail unconscious white racism, Du Bois began to advocate organized social, political, and economic action against whites. This disposition is what led him, as a reaction to his failed attempts to successfully re-adjust whites, to justify violence as a means of self-defense and to advocate the economic independence of Blacks. His writings from 1920 onward reflect this disposition, most specifically “The Negro Nation Within a Nation,”¹⁰³ and his

naturally regarded war as a necessary step toward progress. I believed that if my people ever gained freedom and equality, it would be by killing white people. Then, as a young man in the great afflatus of the late nineteenth century, I came to believe in peace. No more war. I signed the current pledge never to take part in war. Yet during the First World War, “the war to stop war,” I was swept into the national maelstrom. W.E.B. Du Bois, *Will the Great Ghandi Live Again*, in 2 NEWSPAPER COLUMNS 983 (Herbert Aptheker ed., 1986).

¹⁰⁰ W.E.B. DU BOIS, A SOLILOQUY ON VIEWING MY LIFE FROM THE LAST DECADE OF ITS FIRST CENTURY: THE AUTOBIOGRAPHY OF W.E.B. DU BOIS 295 (1968).

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ W.E.B. Du Bois, *A Negro Nation Within A Nation*, 42 CURRENT HIST. 265-270 (1935).

unpublished manuscript entitled “The Negro and Social Reconstruction.”¹⁰⁴

Some readers will no doubt suggest that Sullivan’s reading of Du Bois is nothing more than an innocent misreading of his work. But innocent as it may seem, it provides clear evidence that any white reading of Black philosophers is actually a correct reading, because *any philosophical reading of Black thinkers is a fictive exercise*. Since Black thinkers don’t belong to any specific tradition of Black philosophy or any acknowledged historical current of thought, the contemporary practice of incorporating Black thinkers under white American and Continental traditions is understood to be an indication of philosophical rigor and pluralism. While Sullivan’s scholarly work indicates her lack of proficiency in Du Bois’ thought and lack of familiarity with her professed area of study in “critical race theory,” her perspectives are praised because she “talks about race,” and her scholarship is taken as authoritative because she speaks under the auspices of the established philosophical enterprise.¹⁰⁵ Since white scholars still constitute the philosophical audience to which all race theory ultimately must speak (in order to be acceptable to the discipline) there is an uncanny way in which “critical theories of race” are forced, by the sheer nature of the philosophical enterprise, to participate in philosophy’s imperial mode.

IMPERIAL SCHOLARSHIP

What does it mean to erase a whole intellectual movement, to pretend it does not exist, and replace its contents with a

¹⁰⁴ W.E.B. Du Bois, *The Negro and Social Reconstruction*, in *AGAINST RACISM: UNPUBLISHED ESSAYS, PAPERS, ADDRESSES, 1887-1961* 103-158 (Herbert Aptheker ed., 1985) (1936). What is particularly interesting about this manuscript is its detail and its controversial history. According to Aptheker, this essay was not published because of radical elements and nationalist inclinations. As contemporary scholarship on Du Bois is in need of clarification and direction, this essay serves as a welcomed comprehensive articulation of his thinking throughout the 1930s.

¹⁰⁵ For example of the praise bestowed to Sullivan’s work, see Blanche Radford Curry, *Review of Revealing Whiteness: The Unconscious Habit of Racial Privilege*, 7 *APA NEWSLETTER ON PHILOSOPHY AND THE BLACK EXPERIENCE* 10 (2007), available at http://www.apaonline.org/documents/publications/v07n1_BlackExperience.pdf. Blanche Curry’s review is in stark contrast to the other Curry’s review, see Tommy J. Curry, *And They Said This was Critical Race Theory: Reflections on Revealing Whiteness by Shannon Sullivan*. 105 *SAAP NEWSLETTER*, 43, 43-47 (2006).

philosophy of racial reconciliation? The idealist trend both in philosophy and in CRT's use of Continental thinkers speaks to a one-sided academic relationship and the devaluation of Black thinkers as a whole. Idealist thinkers choose to collapse the practice of CRT down to the application of Continental thinkers and postmodern authors and the mere act of conceptualizing an ethics of Blackness. Even though this is the at-large trend in contemporary CRT approaches, many philosophers choose not to engage the work of Critical Race Theorists. This proves true even when these theorists are citing the very authors the philosophical canon seeks to make relevant to the discussions about race. Sullivan's project is an example.

Almost two decades ago, Critical Race Theorist, Charles R. Lawrence III remarked that

A large part of the behavior that produces racial discrimination is influenced by unconscious racial motivation. There are two explanations for the unconscious nature of our racially discriminatory beliefs and ideas. First, Freudian theory states that the human mind defends itself against the discomfort of guilt by denying or refusing to recognize those ideas, wishes or beliefs that conflict with what the individual has learned is good or right . . . Second the theory of cognitive psychology states that the culture—including, for example, the media and an individual's parents, peers, and authority figures—transmits certain beliefs and preferences.¹⁰⁶

Stated simply, what Sullivan claims as her philosophical contribution to CRT has already been a part of race-crits' intellectual heritage for the last decade. Yet, as can be expected, it leaves Lawrence's work, originally published in 1987, unnoticed and unattended.

This is nothing new. Black authors are consistently left uncited in philosophy journals, ignored in departmental curricula, and largely overlooked in mainstream philosophical training.¹⁰⁷ But what we are dealing with in this instance is compounded by

¹⁰⁶ Charles Lawrence III, *The Id, the Ego and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 322-323 (1987).

¹⁰⁷ See Harris, *supra* note 72.

the historical reality that although CRT was created as a Black philosophical perspective, it is being rewritten as a discursive investigation into race by those who choose to overlook the material expression of race in the practitioner of the racial inquiry. White authors are allowed to claim areas of specialization in Black thought merely from their areas of interest, without any responsibility to the scholarship accomplished during the last three decades by critical race theorists or the centuries of African/a thought stretching back to time before the ancient Greeks. By continually ignoring the autonomy of historical trends in Black thought, philosophy as a discipline is imperially sketching the future narratives of intellectual history. By allowing white scholars and the white discipline to remain inextricably linked to the theoretical perspectives of Black thinkers, subsequent generations of Black scholars looking at the genealogy of Black philosophy will not be able to locate the points of epistemic convergence. Instead, African/a philosophy will falsely appear to always have been derivative from, and firmly rooted within, the European trajectory of thought.

In philosophy, this threat is surprisingly ignored, whereas the idealist trend of CRT has historically been problematized, and criticized heavily in elite law journals and symposiums around the country. Even Lawrence's work has been called into question as possibly opening the door for various idealist assaults on the realist tradition, and in that light, carefully interpreted as to its standing in the field. As a nonmaterialist strand of CRT, Lawrence sought to apply Freudian psychology to dominant group behavior. In doing so, he sought to show that the differential effects test of racial discrimination burdened blacks with the task of showing that white discrimination against them was intentional. Lawrence held that this standard was both inaccurate--since most racism is unconscious--and racist--because the victim must bear the weight of seeking racial remedy.

Some readers would like to suggest that the current trajectory of race theory is actually correct, arguing that it is simply true that race theory is dependent on critical European traditions. Further, they would argue that Lawrence's work, despite its realist undertones, in fact demonstrates an example of idealism's triumph over the realist school of CRT—proof positive that the need for psychoanalytic analyses and other critical approaches to race studies may only be satisfied by appealing to European thought. Needless to say, this view is incorrect. “To his

great credit, Lawrence succeeded in focusing attention on a major irrational feature of the law of racial remedies—namely, the requirement of intent. His article prompted scholars to reexamine the nature of racism, and nonscholars to reflect on how their actions might unintentionally be harming persons of minority races.”¹⁰⁸ This is entirely different from philosophy’s current trend toward isolating conversations of race to discourse and ignoring the material aspects of race as they are concretely experienced by Black people. Whereas Critical Race scholars problematize the tension in CRT between realists and idealists, arguing as to which is less desirable and why, mainstream philosophy conducts itself as if it is perfectly normal for critical race investigations to focus on discourse alone, to the exclusion of any conversations that focus specifically on the group identity of those excluded by the racial system. In philosophy’s engagement with the race question, or more accurately philosophy’s disengagement from it, African/a people have no reason to suppose that Western philosophy should be forgiven and its tools utilized anew, especially when there are both institutional and individual commitments to write whiteness into the script.

GETTING DOWN WITH THE KANG: HOW IMPLICIT BIAS REFUTES REVEALING WHITENESS

What is even more appalling about Sullivan’s research than her outright dismissal of the historical debates concerning unconscious racism in CRT is her absolute ignorance of contemporary Critical Race scholars’ and Black psychologists’ research on unconscious habits and their role in decision-making.¹⁰⁹ Jerry Kang, for instance, claims that the consequences of unconscious racism may be analyzed and better understood through the study of white racial mechanics.¹¹⁰ Unlike Sullivan’s

¹⁰⁸ Delgado, *supra* note 14, at 2280.

¹⁰⁹ The work of Philip Atiba Goff, *Not Yet Human: Implicit Knowledge, Historical Dehumanization, and Contemporary Consequences*, 94 J. PERSONALITY & SOC. PSYCHOL. 292, 292-306 (2008) is extremely important to point to given the implications that implicit bias research has for how people of color deal with whiteness.

¹¹⁰ Jerry Kang says, “I have coined the term “racial mechanics” to describe how race alters interpersonal interactions. My model draws heavily from the field of social cognition, with emphasis on the recent implicit bias literature. For most lawyers and legal academics, this science will be jaw-dropping. For social cognitionists, what will be eye-opening is the theoretical translation of social cognitive findings to themes in critical race studies and the practical translation to potential legal and policy reforms.” Jerry Kang, *Trojan Horses of Race*, 118 HARV. L. REV. 1489, 1497-1498 (2005).

work, which only hypothesizes about the role of habits and the unconscious, on behavior, Kang's work actually describes how unconscious racial categories map onto the world and affect social behavior. By understanding race as part of an individual's schema, or the "cognitive structure that represents knowledge about a concept or type of stimulus, including its attributes and the relations among those attributes,"¹¹¹ Kang claims racial schemas form the root of both conscious interpretation and unconscious reactions to racial outgroups like Blacks, Latinos, and Asians.

Notwithstanding such complexity and the variance among perceivers and environments, the scientific consensus is that racial schemas are not of minor significance. Instead, racial schemas are "chronically accessible" and can be triggered by the target's mere appearance, since we as observers are especially sensitive to visual and physical cues We may not be colorblind even when we cannot see.

Once activated, the racial meanings embedded within the racial schema influence interaction. The apocryphal quotation attributed to Nietzsche, that "there is no immaculate perception," nicely captures how schemas guide what we see, encode into memory, and subsequently recall. At the attentional stage, schemas influence what we notice and immediately reduce information complexity. At the encoding and recall phases, schemas are again influential, although the memory literature is conflicted and qualified. There is now evidence that schemas influence not only interpretation (that is, "social perception"), but also what we actually see and remember seeing ("visual perception").¹¹²

At the strictly unintentional level,

[f]urther research has demonstrated the connection between subliminal priming (through words or pictures) and subsequent tasks, such as evaluations, interpretations, and speed tasks. These findings indicate that schemas operate not only as part of a conscious, rational deliberation that, for example,

¹¹¹ SUSAN T. FISKE & SHELLEY E. TAYLOR, *SOCIAL COGNITION* 98 (2d ed. 1991).

¹¹² Kang, *supra* note 110, at 1502-1504.

draws on racial meanings to provide base rates for Bayesian calculations (what social cognitionists might call a "controlled process"). Rather, they also operate automatically - without conscious intention and outside of our awareness (an "automatic process"). Here we see translation of yet another critical race studies theme, that the "power of race is invisible."¹¹³

This research is a steadfast refutation of Sullivan's view of the unconscious, as well as the faith she places in engagement with and exposure to African American themes and culture, to undo white racist habits in particular. Kang's research demonstrates that whites hold a clear and distinct implicit bias¹¹⁴ against Blacks and other racial groups, a bias that cannot be remedied by thinking more correctly or through the utilization of psychoanalysis. On this matter Kang says,

we may honestly lack introspective access to the racial meanings embedded within our racial schemas. Ignorance, not deception, may be the problem. Relatedly, our explicit normative and political commitments may poorly predict the cognitive processes running beneath the surface. While connected to the automaticity point, this disconnect between explicit and implicit bias raises a different issue: dissociation. The point here is not merely that certain mental processes will execute automatically; rather, it is that those implicit mental processes may draw on racial meanings that, upon conscious consideration, we would expressly disavow. It is as if some "Trojan Horse" virus had hijacked a portion of our brain.¹¹⁵

Kang's findings suggest that Freudian psychoanalysis' usefulness is overestimated when dealing with the question of race

¹¹³ *Id.* at 1505-1506.

¹¹⁴ This term is further developed by Jerry Kang and Mahzarin R. Banaji in a subsequent article entitled, *Fair Measures: A Behavioral Realist Revision of 'Affirmative Action,'* 94 CAL. L. REV. 1063 (2006). It is interesting to note that Kang is advocating a behavioral realist interpretation of affirmative action based in implicit social cognition. In forcing law, and other academic fields to confront the scientific findings of social psychology and race, Kang pushes the standard for responsible scholarship in this area.

¹¹⁵ Kang, *supra* note 110, at 1508.

and the underlying racial mechanics that sustain its social construction.¹¹⁶ Psychoanalysis, the dominant analytical tool in contemporary critical theories of race scholarship, fails to attend to the concrete realities of the white personality. By placing an unsustainable faith in reason, white philosophers claiming to work on race believe that while they may be the patient, they also continue to be the best doctors available. Kang's work demonstrates that this is simply not the case. Even in light of the concern that whites explicitly show for matters of race, there is no denial of the implicit biases that are in tension with--and in some cases absolute contradictions of--whites' public persona and social graces. This is a point that cannot be stressed enough, as it raises suspicions as to the value and meaning of the various critical race projects within which white scholars such as Sullivan are currently engaged. Critical theories of race are actively encouraging whites who have simply acknowledged the existence of racism to produce scholarship on race. Yet these very white scholars are psychologically affected by their racist dispositions—in short, they are producing sick scholarship.

Kang's research is a clear indication that the admittance of race as a social construct and the placing of racism in the realms of the unconscious do not doom contemporary CRT scholarship to idealist pontifications. Much like Lawrence, Kang utilizes the empirical and theoretical effect of unconscious racism as a motivation for social action and legal activism, a necessary conversation dealing with the implications of racism that critical theories of race have not even begun to enter. In acknowledging the implicit bias of whites against Blacks and other minorities, critical theories of race must come to grips with the reality that despite whites' personal relationships with people of color and attempts to engage the race question, all whites remain racist, by virtue of the privileges of whiteness, and should be regarded with a certain skepticism. The reliance, then, of white authors on other white thinkers like Kant, Hegel, Foucault, and Freud, may then indicate a much deeper and insidious reality beyond the commonly held view that whites are just not exposed to Black thinkers and African American thought. Perhaps, rather, whites'

¹¹⁶ Kang does not close the door on self-correction, but emphasizes that this correction is extremely unlikely. His examples argue that self-correction may happen under severe consequences like death, or the promise of financial reward. While this possibility refutes the possibility of self-accountability, Kang's work necessitates more than the psycho-analytic positions dominant in philosophy. *Id.* at 1528-1531.

resistance to acknowledging genuine CRT and other Black philosophical productions is an implicit rejection of the status conferred to Black authors by philosophical assignment. Either way, encountering CRT calls for much-needed skepticism as to the practice of critical theories of race in philosophy which rely upon the Eurocentric canon.

CRS AS DEMONSTRATION OF CRT: FORGING CANONICAL RESPONSIBILITY

In philosophy, the area of study known as critical theories of race is fraught with tribulations. Scholars claiming to do CRT lack familiarity with the canonical forefathers and mothers of the CRT movement. Black figures' actual thoughts are distorted to make them compatible with Continental and American philosophical traditions. "Critical theories of race" seem incapable of responding to both the manifestations of racism in society and of racial exclusivity in philosophy. The field has failed to articulate clear standards of specialization. Certainly, one is hard pressed to give these largely "unsubstantiated philosophical inquiries of race" a disciplinary status above and beyond the work done for the last two decades in CRT. The voluminous literature presented in the three core anthologies on the scholarship produced by the field,¹¹⁷ as well as the conferences, workshops and widespread acknowledgement by the minority legal community of the movement's status and impact on the study of race, amass quite a case against many of the philosophers' continued claims to the name of CRT without engaging any of the debates in the actual field.

Even if one is persuaded by Lewis Gordon's description of critical race theories as residing in the various writings of historic Black thinkers composed in response to American racism,¹¹⁸ no graduate program in the country has devoted a foundational curriculum to the genealogical study of African American thought. Such is necessary in order to trace the development of this aspect of Black thinking in enough detail to warrant its designation as a distinct project in African American thinking. In other words,

¹¹⁷ The three anthologies recognized as constituting the key works of the field are: *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, *supra* note 93; *CRITICAL RACE THEORY: THE CUTTING EDGE*, *supra* note 93; and *CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY* (Francisco Valdes et al. eds., 2002).

¹¹⁸ Gordon, *supra* note 38.

there simply is no institutional guide guaranteeing the depth of knowledge possessed by philosophy scholars claiming to do critical theories of race. Nor do criteria exist to indicate what knowledge a scholar claiming this area of study should possess. In the two graduate programs that do claim to specialize in race theory, their course listings indicate very few actual opportunities to specialize in race theory or actually engage with CRT.¹¹⁹

Because the philosophical profession is content to give the application of any Continental or American philosophical perspective towards race the title of “critical race theory,” the field in many respects remains thematically oriented rather than grounded in the particular methodological or genealogical approach necessary to substantiate its claim of specialization. Black students, for instance, relying largely on their commitment to investigate the issues that affect them in their daily lives, take on the moralized ideals of European thinking as if the perspectives and methods underpinning the foundations of racial inquiry are themselves isolated from criticism. Meanwhile white scholars classically trained in the colonialist disposition of Continental or American philosophy are rewarded with “specialist” status for their compassion and progressivism in dealing with racial questions. In both regards, as it throws the theoretical

¹¹⁹ Here I am referring to the work being done at DePaul and the University of Memphis. Looking through the past course list at DePaul one sees an actual stream dedicated to critical race theory up to 2004, afterwards the various classes that comprised that critical race theory stream are listed as social political thought. It is also interesting to note that classes on Foucault, cosmopolitanism, post-structuralism and post-colonialism are considered by DePaul to be CRT. At Memphis the situation is even direr. Despite being the Mecca of Black philosophy graduates, in the last seven years, Memphis has only offered four classes specifically dedicated to race theory since 2001. One class on race theory was offered three times between the spring of 2001 to the fall of 2006, and Africana philosophy was taught only once in the Spring of 2007. Thus, based on the available course listing, a student claiming a specialization between 2000-2006 only has an opportunity to get six hours of course work in their field of study compared to the 40 or 50 hours generally accumulated in the Continental or Analytic traditions. A survey of the dissertations produced by the students of these institutions is also reflective of this trend as the key figures in race theory are isolated to: Foucault, Frantz Fanon, Jean-Paul Sartre, Hannah Arendt, and various combinations of post-colonialism and feminism. The titles of the dissertations on race include: “From Political Space to Political Agency: Arendt, Sartre, and Fanon on Race and Revolutionary Violence,” “Sartre and the Social Construction of Race,” and “Ethics from the Standpoint of Race and Gender: Sartre, Fanon and Feminist Standpoint Theory,” *available at* http://cas2.memphis.edu/philosophy/phd_placement.htm (last visited Feb. 24, 2009).

instruments of inquiry squarely on the back of European rationalism and white benevolence, the philosophical field remains derelict, largely a devolution of CRT.

In the actual field of CRT, Critical Race Studies have emerged as a disciplinary movement dedicated not only to the formalization of CRT, but also to training its future scholars amidst the political and social conflicts that necessitate and validate CRT as a field of study. According to Cheryl I. Harris, “[t]he introduction of the Critical Race Studies concentration as a field study . . . represents an important moment in the evolution of Critical Race Theory . . . Until recently, there has been scant opportunity to implement formally, in a systematic way, a course of study that takes the insights of CRT as a point of departure for teaching, learning and writing about race and law.”¹²⁰ Initially sustained by courses proliferated, throughout American law schools, the natural evolution of CRT to CRS signals a development in the disciplinarity of CRT that could potentially ground philosophical attempts to engage the race question. “Critical analysis of race seeks to foreground the interconnections between race, power, and law as a corrective to an incomplete understanding of the terms under which race is negotiated through the law and legal institutions.”¹²¹ While philosophers would nonetheless like to construe the legal aspects of CRT as a theoretical limitation, the admission of race as socially constructed is an admission that race is at least partially legally produced,¹²² an area unquestionably lacking in philosophical analyses.

In recognizing that race is more than the existential questions of identity, the ontological questions of discursive commitments, and the ethical questions over racial organization, CRS should be celebrated for its abandonment of transcendental concerns. As Harris continues, “[t]hrough CRS, we are not seeking or claiming ultimate truth; rather, our intervention is guided by a commitment to investigate, debate, and understand race as a phenomenon that has played a powerful role in our past and has shaped the present.”¹²³ In formalizing the perspectives and

¹²⁰ Cheryl I. Harris, *Critical Race Studies: An Introduction*, 49 *UCLA L. REV.* 1215, 1215-16 (2002).

¹²¹ *Id.* at 1234.

¹²² IAN HANEY LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 10 (Richard Delgado & Jean Stefancic eds. 10th ed. 2006) (1996).

¹²³ Harris, *supra* note 120, at 1235.

exposing the ideological commitments of any racial inquiry, CRS emerges as a template on which philosophy can ground and develop its projects.

THE PROBLEM OF SPECIALIZATION BY WAY OF CONCLUSION

Unlike most social political philosophers, who are allowed to maintain the illusion of rigor by the extent to which they can resist the pull away from objectivity towards personal political ideologies and contemporary political battles, race theorists are seen as rigorous to the extent that their work remains optimistic about America's "progressive" stance on race relations—forcing their works to read any contemporary political or social advancements on race alongside whites' desires to be understood as moral postracial individuals. Whereas other philosophers interested in social problems are known for their ability to theorize about the values, rules, and thought by which a society operates, race-crits are criticized for the inability of their structural analyses—which look at race's historical operation in law, economics, and politics—to account for whites' popular consensus that they are not, in fact, racists. This insistence by whites to be congratulated for their new-found racial compassion has unquestionably affected the works allowed to be called "philosophical thinking about race." Because this censoring dynamic is so firmly rooted in the discipline of philosophy, it is not hard to understand why many contemporary philosophical engagements with race offer little more than empty adulations of post-racialism, dismissing the concrete reality of racial oppression in favor of an audience with the oppressors.

Whereas CRT is willing to sacrifice the relationships and approval of whites, who cannot relinquish the property value of their whiteness, critical theories of race encourage whites to participate in discussions of race despite their sincerity to anti-racist activism or their competency in the intellectual traditions that have grounded the perspectives of various Critical Race Theory analyses. This misguided hope, seeking to answer "Why Can't We All Just Get Along?" allows whites to claim a specialization in a field in which the only requisite is their interest in race. Whereas CRT has evolved into a canonical disciplinarity, philosophy lags behind because it continues to advance *any* scholarship dealing with race—regardless of its rigor and theoretical cogency—as "critical race theory." Since the only criteria for "critical race theory" is the belief that race is a

formative, rather than a fixed construction, many white scholars continue to work as critical race theorists without the slightest acknowledgment of Black perspectives. This thematic standard fails to introduce a solid bright line between works that speak to race as a secondary or tertiary concern to some larger thematic interest and those works that attend primarily to race and the structural imposition of racism.

Under the critical theories of race perspective, anything flies. This is demonstrated not only by the various works of Black authors, who champion liberalism and Enlightenment rationalism, but also those of white authors, like Sullivan, whose work in psychoanalysis is applauded for its peripheral and largely irresponsible appropriation of the CRT label. Until Black philosophers decide upon a rigorous genealogy of their ideas that extends beyond the practically universal and routine concerns of slavery and white racism that historic Black thinkers have explored, the area of CRT study remains vulnerable to anyone's appropriation. Just as CRT's development toward CRS demonstrates, there is a legacy and tradition that must be respected.¹²⁴

Because African/a philosophy and critical theories of race remain dedicated to fulfilling the promises of integration, current scholarship in these areas of study continue to systematically ignore the legacy of realist thinking in the writings of historic Black philosophers. While it is nonetheless true that many whites may not find compelling a philosophy that takes the permanence of white racism in America as a given, the reclamation of this tradition cannot continue to rely on white sensibilities or the popularity such research will have in white philosophy circles. As a matter of intellectual integrity, contemporary Black philosophers must recognize the theoretical contributions of the racial realist tradition. Further, they must address the distance

¹²⁴ It is interesting to note that unlike philosophy, in the various fields that claim CRT, most notably education, there is a reverence for and familiarity with the works of Derrick Bell, Richard Delgado, Cheryl Harris, and Kimberle Crenshaw. See, e.g., Gloria Ladson Billings, *The Evolving Role of Critical Race Theory in Educational Scholarship*, 8 RACE ETHNICITY & EDUC. 115 (2005); Gloria Ladson Billings & William F. Tate IV, *Toward a Critical Race Theory of Education*, 97 TCHRS. C. REC. 48 (1998); Adrienne Dixson & Celia Rousseau, *And We Still Are Not Saved: Critical Race Theory in Education, Ten Years Later*, 8 RACE ETHNICITY & EDUC. 7 (2005); William F. Tate IV, *Critical Race Theory and Education: History, Theory and Implications*, 22 REV. OF RES. IN EDUC. 195 (1997).

between current liberal thinking on race in philosophy and the investigations that continue to endure within Critical Race Theory. Whereas current research in race studies is compelled by the need to cuddle white associations and advance the ideals of peaceful racial coexistence, the theoretical acuity of CRT resides in its ability to concretely articulate and challenge the ways in which whites theoretically colonize and institutionally incarcerate the potentiality of radical racial thinking. As Clevis Headley reminds us

Critical race theory is best construed as being a relentless and restless advocate for justice such that, to the extent that race remains a permanent feature of social reality, there must be constant vigilance for justice. There can be no determination of the absolute arrival of true racial justice; its advent forever deferred, its pursuit reaches no termination. Consequently, the insomniac career of critical race theory is one without end.¹²⁵

Ultimately, we must force ourselves to not think of white participation in race studies as a transformative prolepsis in the motivations behind the need for the study of race. The dispositions that whites take towards contemporary studies of race should not be the measure of our success in these endeavors. Inevitably, Black scholars interested in seriously pursuing Critical Race Theory, as a specialized method of studying racism, must move beyond the therapeutic focus of current thinking about race in philosophy. As philosophers and theorists, we cannot continue to ignore the persistence of racism as the condition by which our thinking is afforded the status of race theory.

¹²⁵ Clevis Headley, *Black Studies, Race, and Critical Race Theory: A Narrative Deconstruction of Law*, in *A COMPANION TO AFRICANA STUDIES* 330, 358 (Lewis R. Gordon & Jane Anna Gordon eds., 2006).