

# What's the Issue with Critical Race Theory?

By KAREN DEMEOLA



**T**his issue marks one year that Cecil Thomas and I centered a column on diversity, equity, and inclusion (DE&I) creating, we hoped, a space to consider, learn, and understand the terminology; the importance; and how to move forward in your personal and institutional DE&I journey. At the same time, the topics about which we wrote—diversity, equity, inclusion, privilege, structural racism—were called into question, and now at the center of a national dialogue centered around banning teaching critical race theory (CRT) in K-12 schools. Admittedly, critical legal theorists made law school bearable for me and, through this scholarship, I found my place in the law.

In 2020, then President Trump issued an Executive Order banning the federal

government and contractors from engaging in diversity training, including those that allegedly espoused race-based ideologies, implicit bias, white privilege, structural racism, and critical race theory. Many DE&I trainings were cancelled, or postponed, while others removed targeted words from announcements and calendar invitations. Although the courts intervened and President Biden reversed the ban, critical race theory continues to be verboten. Before we ban CRT from K-12 curriculum, or comment on CRT, we should understand what it is.

Critical race theory is a movement of scholars interested in the relationship between race, power, and racism. CRT scholars contend that race is socially constructed and used to oppress and mar-

ginalize people of color. Further, that the legal system and the law are inherently racist as they function to maintain the political, social, and economic power of whites.<sup>1</sup>

This theory has unfortunately been used by critics who believe that CRT is divisive, espouses racist ideologies, and is anti-white, to challenge schools that are adding diversity, equity, and inclusion into the curriculum. Currently, eight states have successfully banned, and 15 states are considering bans or have pre-filed bans, against teaching CRT in the next legislative session. Other states are considering or have acted at the school board level to ban or limit discussion of white privilege, implicit bias, using teaching modules from the *New York*

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*Times'* *The 1619 Project*, and teaching CRT in K-12 education. Several Connecticut towns have taken up the issue at the school board level and State Senator Sampson, concerned about children being taught about systemic racism, proposed an amendment in June to stop such "divisive teaching."

Critical Legal Studies (CLS) was developed in the late 1970s as a way of reexamining the theory and practice of the legal system. Many observed the justice system in action; instead of ensuring justice, the system maintained the status quo. Academics and practitioners acknowledged that the legal system was not immune to and was itself influenced by social issues, biases, and systems of power and oppression. CLS explored the politics, social constructs, and power relationships as they existed and continue to exist within the legal framework. Out of CLS came a vast collection of writings targeted to critically study the law as it relates to a variety of subgroups: feminist legal theory, queer theory, LatCrit, and critical race theory. Each contributed to the critical theorists by further acknowledging that individual and group identities were similarly constructed and differently impacted by the legal system.

Critics have reframed this area of scholarship and teaching as a form of indoctrination, an effort to marginalize whites, and ultimately as anti-American. Critical race theory does focus on the structures, systems, and the impact of same on individual and group identities. It is about systems and the impact on people not on individual actors. CRT is taught in law schools, undergraduate, and graduate schools. It is not a formal curriculum, and the theory is not part of K-12 curriculum.

The move to add diversity, equity, and inclusion into K-12 curriculum has,

however, been advanced this year in Connecticut. On June 12, 2019, Governor Lamont signed Public Act No. 19-12, An Act Concerning the inclusion of Black and Latino Studies in the Public School Curriculum. The Act states, "(a) For the school year commencing July 1, 2021, and each school year thereafter, each local and regional board of education shall include African-American and Black studies and Puerto Rican and Latino studies as part of the curriculum for the school district, pursuant to section

After George Floyd's murder, we started talking nationally about structural racism and inequality. People engaged in protests, demanded institutions become anti-racist, and DE&I efforts were elevated. With each civil rights movement, there is backlash. So, it is not surprising that critics began using CRT and the education of our children to stall efforts to move social justice and equality forward.

Understanding structural racism and its impact on individuals, systems, and so-

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10-16b of the general statutes, as amended by this act."<sup>2</sup> This curriculum will roll out this fall to K-12 schools across the state. This is an acknowledgement that some people are excluded from history, that certain narratives are missing from our required reading, and voices left out of our national story. This is inclusion.

We should care what our children are being taught and who is teaching; and that teachers are equipped with language and resources necessary to ensure that they can effectively teach difficult subjects and address national and local events. Not everyone has the skillset. There is no surprise that I believe diversity, equity, and inclusion should be part of the curriculum, but teachers need the training and expertise to engage in those conversations.

ciety would help usher diversity, equity, and inclusion forward. It would allow us to recognize and own our past, freeing us to see a future where diversity, equity, and inclusion are possible. ■

## NOTES

1. Delgado, Richard, et al. *Critical Race Theory: An Introduction*, Second Edition. NYU Press, 2012.
2. [www.cga.ct.gov/2019/act/pa/pdf/2019PA-00012-R00HB-07082-PA.pdf](http://www.cga.ct.gov/2019/act/pa/pdf/2019PA-00012-R00HB-07082-PA.pdf)



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