## MLL Vocab Diversity (CALEC Hachette book chapter 2025)

## Teaching the Language and Grammar of Race & Racism: The Power of Critical Race Theory Reading & Writing

Tanya Katerí Hernández, Archibald R. Murray Professor of Law Fordham University THernandez@law.fordham.edu

Oftentimes civic and community leaders exhort us all to talk to each other as the pathway to understanding and addressing racial inequality. What rarely gets mentioned is how difficult people find it is to talk about race. Silence is more often the rule. Even in spaces of higher education students are seemingly paralyzed to engage in meaningful discourse regarding race. What they are missing is a language and grammar to analyze and discuss race productively. Nevertheless, this can be taught.

Educators have long mistakenly assumed that racial literacy can be obtained simply by either imparting historical facts about how racialized groups have been treated, or offering information about how our psychology categorizes the world into in and out groups that are respectively favored and disfavored. Notably, neither of these informational endeavors fully enable students to effectively analyze and comprehend our contemporary context. Historical facts alone leave many students with the misimpression that true racism is a historical artifact that present society is long removed from. Social psychology data presents the separate problem of risking the misimpression that racism is only about the mindsets of individual people. Neither fully empower students with a sense of their own agency to overcome the paralysis of feeling overwhelmed with the frustration that racism is not something they or anyone else can do something about.

However, when the teaching of racism is infused with the theoretical lens of Critical Race Theory (CRT), students are offered a skill set to analyze how systems and structures shape a racialized world. CRT is the intellectual practice of examining race as a social construct and racism as systemically ingrained within institutions.<sup>1</sup> CRT thus goes beyond the traditional interrogation of race and racism limited to focusing on badly intentioned individuals.<sup>2</sup> It instead seeks to reveal and transform the relationship between race, racism, and power with its examination of colorblind structural and

<sup>1.</sup> Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas, eds., *Critical Race Theory: The Key Writings That Formed the Movement* (New York: The New Press, 1995), xiii.

<sup>2.</sup> Victor Ray, *On Critical Race Theory: Why It Matters & Why You Should Care* (New York: Random House, 2022), 18-20; Alan David Freeman, "Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine," *Minnesota Law Review* 62 (1978): 1052-53, <a href="https://scholarship.law.umn.edu/mlr/804">https://scholarship.law.umn.edu/mlr/804</a>.

systemic barriers to inclusion for the purpose of designing effective solutions.<sup>3</sup> Importantly, CRT not only enables students to understand the operation of systemic and structural racism, it also illuminates how they are capable of being reformed.

One example that underscores the analytical power of CRT relates to a very common sight in racially stratified cities – the differential presence of what is understood as litter despite the existence of city sanitation garbage receptacles and sanitation workers to remove the garbage in all neighborhoods. Across urban landscapes it is common to hear many more complaints about litter in communities of color than exist in the more pristine neighborhoods where White people predominate. Presented with the visual impression that more garbage is found on the streets of communities of color, many people conclude that non-Whites litter more than Whites. The presumption resounds in stereotypes of inherent racial deficiency and racialized notions about cultures of poverty that do not take into consideration all the structural factors that make the streets in communities of color different.

Exposing students to the political economy of city sanitation policies enables them to make analytical assessments that transcend specious conclusions rooted in racial stereotypes. Consider that in the New York City borough of Manhattan, the NYC Sanitation Department collects trash three times per week across all neighborhoods. Except that in areas with well-funded Business Improvement Districts ("BIDs)," greater resources are made available for supplemental street sanitation. BIDs are nonprofit organizations which require government approval for the city to collect contributions from property and business owners to supplement public street sanitation. BIDs are overseen by a Board of Directors that include government officials along with oversight by the State Attorney General. Periodically the city government also provides direct funding to BIDs with support grant initiatives.<sup>4</sup>

The comparison between the predominantly White area of Bryant Park in midtown Manhattan, with that of the predominantly Black area of 125<sup>th</sup> Street in Harlem, is illustrative. Both are highly trafficked commercial zones within highly trafficked residential areas. Still the Bryant Park BID has a budget of \$2,500,000 for its 14-block area,<sup>5</sup> while the 125<sup>th</sup> Street BID has a vastly

<sup>3.</sup> Richard Delgado, *Critical Race Theory: The Cutting Edge*, 3rd ed., ed. Jean Stefancic (Philadelphia: Temple University Press, 2013), 2-3.

<sup>&</sup>lt;sup>4</sup> NYC Small Business Services, *Comprehensive Guide to BID Formation and Expansion*, May 2022, https://www.nyc.gov/assets/sbs/downloads/pdf/neighborhoods/bid-formation-expansion-guide.pdf; NYC Small Business Services, *NYC Business Improvement District Trends Report FY23*, (accessed July 17, 2024), https://www.nyc.gov/assets/sbs/downloads/pdf/neighborhoods/fy23-bid-trends-report.pdf.

<sup>&</sup>lt;sup>5</sup> "Bryant Park Corporation," BID Directory, NYC Small Business Services, accessed July 17, 2024, https://www.nyc.gov/site/sbs/neighborhoods/bid-directory.page?bid=8.

smaller budget of \$1,240,462 for its 22-block area.<sup>6</sup> That is almost twice the size of the Bryant Park BID zone, with only one half of its resources. The racial differential in resources to supplement public sanitation is correlated with the history and maintenance of systemic residential segregation in real estate financing and development, along with government barriers to wealth accumulation in communities of color.<sup>7</sup>

When street tidiness is considered in light of the systemic and structural context that creates racialized differences in access to supplemental public sanitation services, students are endowed with critical analysis skills that enable them to reject facile conclusions based in racial reasoning. CRT analysis can then be scaled up to assess larger structural issues. For example, what is commonly called the educational "achievement gap," CRT reveals as a systemic misallocation of funds and resources that sets up students of color to fail. With that revelation the seeming intractable culturally focused "achievement gap," can instead be understood as an "educational debt" that society can actually do something about. Indeed, in close to 30 years of teaching CRT, I am still heartened each time I read anonymous student course evaluations expressing enthusiastic appreciation for gaining a racial literacy that empowers rather than paralyzes. For instance, in the Spring of 2021 a course evaluation stated:

I feel like I am a better scholar for taking this course and I am incredibly glad I took it. I think all students would benefit from trying to see the world through a CRT lens. I feel like I have unlocked another level because I see structural determinism and can critique the liberal framework of US laws and policies in a way I could not do before the course.

It is likely that the very empowerment that students experience from CRT instruction is what has in part incited the reactionary movement to abolish CRT and censor student access.<sup>9</sup> But for those educators who are not being censored, there are many texts that can guide instructors interested in sharing

<sup>&</sup>lt;sup>6</sup> "125th Street," BID Directory, NYC Small Business Services, accessed July 17, 2024, https://www.nyc.gov/site/sbs/neighborhoods/bid-directory.page?bid=29.

<sup>&</sup>lt;sup>7</sup> Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: W.W. Norton & Co., 2017).

<sup>&</sup>lt;sup>8</sup> Gloria Ladson-Billings, "From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools," *Educational Researcher* 35, no. 7 (Oct. 2006),

https://thrive.arizona.edu/sites/default/files/From%20the%20Achievement%20Gap%20to%20the%20Education%20Debt\_Understanding%20Achievement%20in%20US%20Schools.pdf.

<sup>&</sup>lt;sup>9</sup> Tanya Kateri Hernandez, "Can CRT Save DEI: Workplace Diversity Equity & Inclusion in the Shadow of Anti-Affirmative Action," *UCLA Law Review Discourse* 71 (2024): 282, <a href="https://www.uclalawreview.org/can-crt-save-dei/">https://www.uclalawreview.org/can-crt-save-dei/</a>.

the CRT analytical frame with their students. <sup>10</sup> Yet reading about CRT is only the beginning. Students internalize the CRT analytical skill set best when they engage it in writing.

What I have always found most effective is when I ask students to select a current race topic with which to apply a CRT analysis. Structuring the writing assignment as a 700-word Op Ed that they might ultimately seek to publish to influence the public discourse enhances their understanding of the transformative power of CRT. Importantly, the writing assignment is preceded by introducing the students to the public intellectual work of established CRT scholars who visit the class (in-person or virtually) to discuss the craft of writing as a form of racial justice activism. It's a way of imparting the message that "there is a literary tradition, and you're invited to contribute. It's Students then share their own Op Eds in class as an additional vehicle for creating a community to combat the sense of helplessness that comes from sitting alone with concerns for the world.

Channeling fears, worry and questions about racial injustice into the action of writing for social change, provides students with a sense of agency to break through despair. This is how to train racially literate future leaders – one CRT Op Ed writing assignment at a time.

-

<sup>&</sup>lt;sup>10</sup> Khiara M. Bridges, *Critical Race Theory: A Primer (Concepts and Insights)* (St. Paul: Foundation Press, 2018); Dorothy A. Brown, ed., *Critical Race Theory: Cases, Materials, and Problems (Coursebook)*, 3rd ed. (St. Paul: West Academic Publishers, 2014); Crenshaw, *Critical Race Theory: The Key Writings That Formed the Movement*; Delgado, *Critical Race Theory: The Cutting Edge*, 2–3; Ray, *On Critical Race Theory: Why It Matters & Why You Should Care*.

<sup>&</sup>lt;sup>11</sup> David Kirby, Emily Ekins, Alexander Coppock, "The Long-lasting Effects of Newspaper Op-Eds on Public Opinion," *Quarterly Journal of Political Science* 14, no. 1 (2018): 59, <a href="https://isps.yale.edu/research/publications/isps18-09">https://isps.yale.edu/research/publications/isps18-09</a>.

<sup>&</sup>lt;sup>12</sup> Joy Castro, "Racial and Ethnic Justice in the Creative Writing Course," *Gulf Coast Literary Journal* 36, no. 1 (Fall 2015), <a href="https://gulfcoastmag.org/online/fall-2015/racial-and-ethnic-justice-in-the-creative-writing-course/">https://gulfcoastmag.org/online/fall-2015/racial-and-ethnic-justice-in-the-creative-writing-course/</a>.