

Is There a Future for Critical Race Theory?

Adrien K. Wing

Introduction

We all know that the legal academy is in a crisis that does not appear to have an end in sight. As many law school enrollments plummet, some institutions may even face closure or merger. As experiential requirements increase but resources do not, some may query whether many schools should just ensure that their students can meet all the requirements to graduate and pass a bar. As faculty size needs to shrink even more, some may wonder whether some schools will have to increase teaching loads beyond nine to twelve units to meet the demands. In such a world, is legal scholarship a luxury we can no longer afford?

Many years ago, D.C. Circuit Judge Harry T. Edwards pointed out that what professors produced was of little relevance to the bench, legislators, or the bar.¹ If eliminating legal scholarship altogether is going too far, should we at least focus it on the required curriculum and in the subjects necessary for bar passage? In this world, is there any room for “frills”? Some people would say critical race theory (CRT) is just such a frill, since it is not a required course in any school and not on the bar as a unified subject. When I told people I was doing this article, some thought that CRT is of historic interest only and is already dead. This article makes the case that CRT is not a frill, from either a teaching or a scholarly perspective. It is not dead at all and has vibrant aspects not known to most members of the academy.

I rarely come to Boston, and as I was preparing to attend the symposium on the *Future of Legal Scholarship* to present this article, I thought of an event relating to race that happened 40 years ago that April. I fear that many people have forgotten what happened; our current students were not yet born. I am

Adrien K. Wing is the Bessie Dutton Murray Professor of Law and the Associate Dean for International and Comparative Law Programs at the University of Iowa College of Law. A.B. *magna cum laude*, Princeton University, 1978, M.A. UCLA, 1979, J.D. Stanford Law School, 1982. Special thanks to the JOURNAL OF LEGAL EDUCATION and Northeastern University School of Law for hosting the conference on *The Future of Legal Scholarship* and to my research assistants Dagmawi Getachew, Evan Saunders, and Ephraim Hintz.

1. See Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992). This article was highly cited. See Fred Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483, 1492, 1493, 1501 (2012).

thinking of an iconic picture taken on April 5, 1976,² the year of the American bicentennial. Stanley Forman, a photographer with the now-defunct Boston Herald American, took the horrific image. It shows black attorney Ted Landsmark in a three-piece suit being speared with an American flag by an angry white teenager named Joseph Rakes. The issue? Boston was in turmoil over court-ordered busing in an effort to racially diversify schools. Landsmark remembers the leaders had already passed by, but some decided to attack him and shouted: “There’s a nigger, kill him!”³ As a college student at the time, I very clearly got the message: White people—even in the North, in the cradle of liberty—still did not want to go to school with my kind.

Today, I wonder if the black children in Boston are getting a better education today than they did 40 years ago. It appears not. It is even hard to analyze the segregation patterns in the schools, since even though whites make up half the city, they are only fourteen percent of the school system.⁴ In the 1960s, they were sixty-eight percent.⁵

Many people thought with the 2008 election of the first black president, Barack Obama, that we would be in a postracial era⁶—that racist incidents like the one on April 5, 1976, were suddenly in the past. Perhaps the 1963 words of Dr. Martin Luther King, Jr., would become true: People would be judged by the content of their character rather than the color of their skin.⁷ And over the two terms of the president, look at all the amazing things that have happened. We have had two black attorneys general, Eric Holder and Loretta Lynch; forty-plus black members of Congress, including Sens. Mo Cowan, Cory Booker, and Tim Scott; black governors like Deval Patrick; and a black woman serving as chairwoman of Xerox, Ursula Burns, as well as black heads of other corporations. We have black people who are deans of law schools, chaired professors, provosts, and college presidents.

2. Stanley J. Forman, *The Soiling of Old Glory*, STANLEY FORMAN PHOTOS (Apr. 5, 1976), <http://stanleyformanphotos.com/images/OldGlory.jpg> (last visited July 10, 2016).
3. Jack Encarnacao, *History Lesson, That’s Me in the Picture, Ted Landsmark Looks Back at the Chilling Moment in Busing Crises*, BOS. HERALD (Mar. 21, 2016), http://www.bostonherald.com/news/local_coverage/unfiltered/2016/03/history_lesson_ted_landsmark_looks_back_at_chilling_moment.
4. Evan Horowitz, *If Segregation Ended 60 Years Ago, How Come It’s Getting Worse?*, BOS. GLOBE (May 19, 2014), <https://www.bostonglobe.com/news/politics/2014/05/19/segregation-ended-years-ago-how-come-getting-worse/qbvuoMoyLcWrNObVIMC6zH/story.html>.
5. *Id.*
6. See BARACK OBAMA AND THE MYTH OF A POST-RACIAL AMERICA (Mark Ledwidge, Kevern Verney & Inderjeet Parmar eds., 2013); Touré, *No Such Place as “Post-Racial America,”* N.Y. TIMES: CAMPAIGN STOPS (Nov. 8, 2011, 1:48 PM), http://campaignstops.blogs.nytimes.com/2011/11/08/no-such-place-as-post-racial-america/?_r=0.
7. Martin Luther King, Jr., *Address at the March on Washington: I Have a Dream* (Aug. 28, 1963).

Yet as the late CRT founder and Professor Derrick Bell said, WE ARE NOT SAVED.⁸ Think of the following issues: racial profiling; hate speech on campus and in jobs; the biggest wealth disparities between rich and poor in our history; opposition to affirmative action; the disproportion of black lawyers (four percent) to black prisoners (forty percent); police department corruption and racism; white privilege and the denial that it could exist; the University of Missouri campus actions, including those of the football team that led to the toppling of the Chancellor; the nine in Charleston who died while in church, killed by a young white supremacist; Confederate flags and monuments as symbols; and the debate over “black lives matter” versus “all lives matter.” The Black Lives Matters movement has highlighted the long list of unknown and now well-known names of blacks who have lost their lives: Trayvon Martin; Mike Brown of Ferguson, Missouri; Sandra Bland; Freddie Gray; Tamar Rice; and many more.

In 1944 my father, John E. Wing, Jr., went to UCLA, which had very few blacks. I remember him telling me how he would be chased off the campus by white students who did not think blacks belonged there. I went to UCLA for a master’s degree in 1978 and there were many blacks at the time. I wondered how my dad, by then deceased, would have appreciated that progress in a generation. When my sons were potentially interested in UCLA at the turn of the twenty-first century, I ruled out my alma mater. Because of Proposition 209,⁹ which forbids affirmative action, I did not want them to go to a UCLA whose demographics were closer to those of their grandfather’s era. Today, UCLA has four percent black enrollment.¹⁰

I think of the nature of the 2016 presidential election from the Republican side: anti-immigrant, anti-black, anti-Latino, Islamophobic, homophobic, sexist, building walls and not bridges. Will this be the face we present to a diverse world in the next four years?

Given these realities, my conclusion is—yes, there is a future for CRT, now more than ever! In this piece, I will give a brief overview of CRT. Then I will discuss areas where it is vibrant now. Finally, I will conclude with what we need to do in the future.

8. DERRICK A. BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1989).

9. Proposition 209 was passed by California voters in November, 1996, and is now codified in the California Constitution. CAL. CONSTIT. art. 1 § 31(a).

10. See *Enrollment Demographics, Fall 2015*, UCLA ACAD. PLANNING & BUDGET, http://www.aim.ucla.edu/tables/enrollment_demographics_fall.aspx.

CRT Overview¹¹

Critical race theory emerged within the legal academy as a self-conscious entity in 1989. It was affiliated with the progressive critical legal studies (CLS) movement, itself influenced by European postmodernism.¹² CRT's intellectual foundations can be found in the early works of Derrick Bell,¹³ Richard Delgado,¹⁴ and other scholars from the mid-1970s and onward. Its pathbreaking scholars have included Chuck Lawrence,¹⁵ Mari Matsuda,¹⁶ Neil Gotanda,¹⁷ Lani Guinier,¹⁸ Kimberlé Crenshaw,¹⁹ Angela Harris,²⁰ Frank Valdes,²¹ Jerome Culp,²² Cheryl Harris,²³ and Patricia Williams,²⁴ to mention a few.

CRT challenges conventional strategies of pursuing social and economic justice. CRT addresses relevant and dynamic socio-legal racial issues such as affirmative action in education and employment, hate speech, criminal justice, immigration, and federal Indian law.

11. For more detail on CRT, see Kimberlé Crenshaw, *Introduction to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* xix (Kimberlé Crenshaw et al. eds., 1996); RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 7-9 (2001); CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY (Francisco Valdes, Jerome McCristal Culp & Angela Harris eds., 2002).
12. See, e.g., *CRITICAL LEGAL STUDIES* (James Boyle ed., 1992); *CRITICAL LEGAL STUDIES* (Peter Fitzpatrick & Alan Hunt eds., 1987); *CRITICAL LEGAL STUDIES* (Alan Hutchinson ed., 1989); MARK KELMAN, *A GUIDE TO CRITICAL LEGAL STUDIES* (1987).
13. See, e.g., *THE DERRICK BELL READER* (Richard Delgado & Jean Stefancic eds., 2005).
14. See, e.g., *THE LAW UNBOUND!: A RICHARD DELGADO READER* (Adrien K. Wing & Jean Stefancic eds., 2007).
15. See, e.g., Charles R. Lawrence III, *The Id, The Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 *STAN. L. REV.* 317 (1987).
16. See, e.g., CHARLES R. LAWRENCE III & MARI MATSUDA, *WE WON'T GO BACK: MAKING THE CASE FOR AFFIRMATIVE ACTION* (1997).
17. See, e.g., Neil Gotanda, *A Critique of "Our Constitution Is Color Blind"*, 44 *STAN. L. REV.* 1 (1991).
18. See, e.g., LANI GUINIER & GERALD TORRES, *THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002).
19. See, e.g., Kimberlé Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 *HARV. L. REV.* 1331 (1988).
20. See, e.g., Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581 (1989-90).
21. See, e.g., Francisco Valdes, *Unpacking Hetero-Patriarchy: Tracing the Conflation of Sex, Gender and Sexual Orientation to Its Origins*, 8 *YALE J.L. & HUMAN.* 161 (1996).
22. See, e.g., Jerome McCristal Culp, *Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy*, 77 *VA. L. REV.* 539 (1991).
23. See, e.g., Cheryl Harris, *Whiteness as Property*, 106 *HARV. L. REV.* 1707 (1993).
24. See, e.g., PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: THE DIARY OF A LAW PROFESSOR* (1991).

CRT focuses on anti-subordination and the unveiling of white privilege as a means to design solutions that will strive for racial justice. In such a scenario, Band-Aids will not work on the cancer of racism.

I will mention several of CRT's basic tenets. A central premise is that racism is a normal and ordinary part of our society, not an aberration. Our world is color-conscious, not colorblind,²⁵ and thus the law must be, as well. Race is a social construct and is not a fixed or biological reality.²⁶ There is a "unique voice of color" among groups who have faced oppression,²⁷ but a number of non-CRT scholars have contested this claim, including other people of color.²⁸ The power existing within the white-over-color hierarchy is a critical aspect of how our society develops both psychologically and materially.

CRT endorses the CLS notion that legal rights are indeterminate, but it vehemently disagrees that rights are therefore not important.²⁹ In fact, CRT considers the struggle to attain human rights a critical step for American minorities. CRT focuses on interest convergence, in the words of the late Derrick Bell, or the concept that people in power do not do anything unless it is in their self-interest.³⁰ Bell also thought that racial progress is cyclical and that racism might be permanent.³¹ CRT looks to the bottom, in the words of Mari Matsuda—to the plight of the oppressed.³² CRT also developed intersectionality theory as a means of analysis, most well-known in the work of Kimberlé Crenshaw.³³

CRT endorses a multidisciplinary approach to scholarship and can be found in several other disciplines.³⁴ This approach considers the law as insufficient in and of itself to formulate solutions to racial dilemmas. CRT believes in

25. Gotanda, *supra* note 17.

26. For example, I have written on how I am viewed in the United States as black, in South Africa as a so-called Coloured, and in Brazil as white. See *CRITICAL RACE FEMINISM: A READER* (Adrien K. Wing ed., 2d ed. 2003).

27. See, e.g., MARI MATSUDA, *WHERE IS YOUR BODY?: AND OTHER ESSAYS ON RACE, GENDER, AND THE LAW* (1996).

28. See, e.g., Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989).

29. See Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987).

30. See Derrick A. Bell, *Brown v. Board of Education and the Interest Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

31. See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992).

32. See Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987)[hereinafter Matsuda, *Looking to the Bottom*].

33. See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139.

34. See, e.g., *CRITICAL RACE THEORY IN EDUCATION: ALL GOD'S CHILDREN GOT A SONG* (Adrienne D. Dixson & Celia K. Rousseau eds., 2007).

both theory and praxis.³⁵ This approach acknowledges that we as scholars cannot afford to adopt the classic detached, ivory tower model of scholarship when so many are suffering, sometimes in our own extended families.³⁶ This praxis may take many forms—such as: working with various public interest and nongovernmental organizations; engaging in law reform both domestically and internationally; building coalitions; and engaging in political activism. Some CRT authors use the controversial narrative technique³⁷ attacked by conservative commentators.³⁸

The CRT genre has led to a growing set of related networks, including LAT-CRIT, which emphasizes Latinos and Latinas;³⁹ AsianCrit;⁴⁰ QueerRaceCrit;⁴¹ critical race feminism,⁴² which focuses on women of color; and critical white studies,⁴³ which reveals the way whiteness functions as a social organizing principle. There have even been a few articles in what could be called IndianCrit.⁴⁴

Well, you might say, all this was very interesting, but the citations are old, and what has CRT done lately? Is it not dead now, with the classical pieces of mere historical interest?

35. See, e.g., Adrien K. Wing, *Brief Reflections Toward a Multiplicative Theory and Praxis of Being*, 6 BERKELEY WOMEN'S L.J. 181 (1990-91).
36. See, e.g., Matsuda, *Looking to the Bottom*, *supra* note 32.
37. For examples of the narrative technique, see, for example, the works of Derrick Bell, such as *AND WE ARE NOT SAVED*, *supra* note 8; and RICHARD DELGADO, *THE RODRIGO CHRONICLES* (1995).
38. See, e.g., Richard Posner, *Daniel A. Farber & Suzanna Sherry's Beyond All Reason: The Radical Assault on Truth in American Law*, NEW REPUBLIC, Oct. 13, 1997, at 40 (book review).
39. See, e.g., Symposium, *Lawyering in Latina/o Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. (1996); Symposium, *Lat-Crit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. (1997); Colloquium, *International Law, Human Rights and LatCrit Theory*; 28 U. MIAMI INTER-AM. L. REV. 177 (1997).
40. See, e.g., Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1244 (1993).
41. See, e.g., Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CALIF. L. REV. 3 (1995); Elvia Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 BERKELEY WOMEN'S L.J. 103 (1994).
42. See CRITICAL RACE FEMINISM: A READER, *supra* note 26, and GLOBAL CRITICAL RACE FEMINISM: A READER (Adrien K. Wing ed., 2001); Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 1 (1989).
43. See, e.g., CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado & Jean Stefancic eds., 1998).
44. See, e.g., Robert Williams, *Vampires Anonymous and Critical Race Practice*, 95 MICH. LAW REV. 741 (1997); Robert Williams, *Columbus's Legacy: Law As An Instrument of Racial Discrimination Against Indigenous Peoples' Rights of Self-Determination*, 8 ARIZ. J. OF INT'L & COMP. L. 51 (1992).

CRT Is Alive and Well Today

In this section, I will illustrate how CRT is alive and well. First, in addition to individual scholarly articles by brilliant prolific young people like my Iowa colleague Angela Onwuachi-Willig,⁴⁵ a number of symposia are continuing to be held. In 2009, for example, the University of Iowa College of Law sponsored a twentieth-anniversary CRT conference that drew nearly 300 people,⁴⁶ and the articles were published in two journals.⁴⁷ CRT continues to generate a variety of other symposia as well. For example, the *Ohio State Journal of Criminal Law* 2014 symposium was titled *Twenty-Plus Years of Critical Race Theory*

45. See the work of Angela Onwuachi-Willig, such as Anthony V. Alfieri & Angela Onwuachi-Willig, *Next Generation of Civil Rights Lawyers: Race and Representation in the Age of Identity Performance*, 122 YALE L.J. 1484 (2013); Amber Fricke & Angela Onwuachi-Willig, *Do Female "Firsts" Still Matter?: Why They Do for Women of Color*, 2012 MICH. ST. L. REV. 1529; Emily Houh, Angela Onwuachi-Willig & Mary Campbell, *Cracking the Egg: Which Came First—Stigma or Affirmative Action?*, 96 CALIF. L. REV. 1299 (2008); William C. Kidder & Angela Onwuachi-Willig, *Still Hazy After All These Years: The Lack of Empirical Evidence and Logic Supporting Mismatch*, 92 TEX. L. REV. 895 (2014) (reviewing RICHARD H. SANDER & STUART TAYLOR, JR., *MISMATCH: HOW AFFIRMATIVE ACTION HURTS STUDENTS IT'S INTENDED TO HELP, AND WHY UNIVERSITIES WON'T ADMIT IT* (2013)); Alexander Nourafshan & Angela Onwuachi, *From Outsider Status to Insider and Outsider Again: Interest Convergence and Normalization of LGBT Politics*, 42 FLA. ST. U. L. REV. 521 (2015); Angela Onwuachi-Willig, *The Admission of Legacy Blacks*, 60 VAND. L. REV. 1141 (2007); Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, Angela Onwuachi-Willig, *A Beautiful Lie: Exploring Rhinelander v. Rhinelander as a Formative Lesson on Race, Identity, Marriage, and Family*, 95 CALIF. L. REV. 2393 (2007); Angela Onwuachi-Willig & Mario L. Barnes, *By Any Other Name?: On Being "Regarded As" Black, and Why Title VII Should Apply Even If Lakisha and Jamal Are White*, 2005 WIS. L. REV. 1283; 98 GEO. L.J. 1079 (2010); Angela Onwuachi-Willig & Amber Fricke, *Class, Classes, and Classic Race Baiting: What's in a Definition?*, 88 DENV. U. L. REV. 807 (2011) (invited response to Professor Richard Sander of UCLA Law School in symposium issue); Angela Onwuachi-Willig, *Complimentary and Complementary Discrimination in Faculty Hiring*, 87 WASH. U. L. REV. 763 (2010); Angela Onwuachi-Willig, Erwin Chemerinsky & Mario Barnes, *Judging Opportunity Lost: Assessing the Viability of Race-Based Affirmative Action After Fisher v. University of Texas, Austin*, 62 UCLA L. REV. 272 (2015); Angela Onwuachi-Willig, *Just Another Brother on the SCT?: What Justice Clarence Thomas Teaches Us About the Influence of Racial Identity*, 90 IOWA L. REV. 931 (2005); Angela Onwuachi-Willig & Mario Barnes, *The Obama Effect: Specialized Meanings in Anti-discrimination Law*, 87 IND. L.J. 325 (2012); Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, 93 CALIF. L. REV. 1647 (2005); Angela Onwuachi-Willig, *This Bridge Called Our Backs: An Introduction to "The Future of Critical Race Feminism"*, 39 U.C. DAVIS L. REV. 733 (2006); Angela Onwuachi-Willig, *Undercover Other*, 94 CALIF. L. REV. 873 (2006); Angela Onwuachi-Willig, *Volunteer Discrimination*, 40 U.C. DAVIS L. REV. 1895 (2007); Angela Onwuachi-Willig, *Using the Master's "Tool" to Dismantle His House: Why Justice Clarence Thomas Makes the Case for Affirmative Action*, 47 ARIZ. L. REV. 113 (2005).
46. News Release, Univ. of Iowa, Law School Conference Commemorates Twenty Years of Critical Race Theory (March 24, 2009), http://news-releases.uiowa.edu/2009/march/032409conference_crt.html. See also the website for the conference, *CRT 20: Honoring Our Past; Charting Our Future*, UNIV. OF DENV. STURM COLL. OF LAW, <http://www.law.du.edu/index.php/crt-20> (last visited July 10, 2016) (the Univ. of Denv. Sturm Coll. of Law hosted the website for the Law School Conference).
47. See, e.g., Adrien K. Wing, *Space Traders for the Twenty-First Century*, 11 BERKELEY J. AFR.-AM. L. & POL'Y 49 (2009); Angela Onwuachi-Willig, *Celebrating Critical Race Theory at 20*, 94 IOWA L. REV. 1497 (2009).

and *Criminal Justice: Looking Backward, Looking Forward*.⁴⁸ It featured presentations with such provocative titles as: *Nigga Theory: Contingency, Irony, and Solidarity in the Substantive Criminal Law*, by Jody Armour; *Stop and Frisk and Torture-Lite: Police Terror of Minority Communities*, by Paul Butler; and *(E)Racing Trayvon Martin*, by Cynthia Lee.⁴⁹

Yale has held a number of relevant conferences, including one this year titled *Race (In)Action*.⁵⁰ Topics included education, policing, social movements, and intersectionality. Quite poignantly, the organizing material says: “This Conference also fills an important curricular void for students. Only a handful of law schools have permanent Critical Race Theorists on their faculty. Yale, and many others, do not. For many students, this conference will offer a perspective on race, law, and society that is not available at their academic institutions.”⁵¹

UC Davis hosted the 2016 *Conference of Asian Pacific American Law Faculty* (CAPALF) which included Angela Harris among its keynote speakers.⁵² Its panels included: *BlackLivesMatter and Asian Pacific Americans?*; *Neo Pariah: Studies in the Emerging Academic Caste System in Higher Education*; and *Islamophobia & the Lost Legacy of Korematsu; Asian Pacific Americans and College Admissions*.⁵³

In addition to traditional conferences, UCLA has developed a critical race studies program,⁵⁴ the only one of its kind in the United States. Its mission is to “think new ideas, teach future leaders and scholars and transform racial justice advocacy.”⁵⁵ It is anchored by the incredible CRT scholars at UCLA including Kim Crenshaw, Cheryl Harris, and Devon Carbado.⁵⁶ Students can take the CRS specialization, and the program also runs research colloquia, symposia, interdisciplinary collaborations, and community partnerships in order to integrate theory and practice.⁵⁷ The 2015 CRS symposium focused on *Race and*

48. See Symposium, *Twenty-Plus Years of Critical Race Theory and Criminal Justice: Looking Backward, Looking Forward*, 12 OHIO ST. J. CRIM. L. 1 (2014).

49. *Id.*

50. See 2016 *Critical Race Theory Conference: Race (In)Action*, YALE LAW SCH., <https://www.law.yale.edu/yls-today/conferences/1516/crt> (last visited July 10, 2016).

51. *Id.*

52. See *CAPALF 2016 at UC Davis School of Law*, U.C. DAVIS SCH. OF LAW FACULTY BLOG (Apr. 8, 2016), <http://facultyblog.law.ucdavis.edu/post/capalf-2016-at-uc-davis-school-of-law.aspx>.

53. *Id.*

54. See *About the Critical Race Studies Program*, UCLA LAW, <https://law.ucla.edu/centers/social-policy/critical-race-studies/about/> (last visited July 10, 2016).

55. *Id.*

56. See *Who We Are—Critical Race Studies Program*, UCLA LAW, <https://law.ucla.edu/centers/social-policy/critical-race-studies/who-we-are/> (last visited July 10, 2016).

57. *Critical Race Studies Specialization*, UCLA LAW, <https://law.ucla.edu/academics/degrees-and-specializations/specializations/critical-race-studies/curriculum/> (last visited July 10, 2016).

Resistance: Against Police Violence.⁵⁸ A law teaching fellowship is also offered for a UCLA Law School graduate interested in pursuing a career in law teaching.⁵⁹

Besides UCLA's program are centers based heavily on CRT—including the Aoki Center for Critical Race and Nation Studies at UC Davis School of Law, which honors the life and work of the late Professor Keith Aoki.⁶⁰ Keith contributed to critical theory, race, and immigration issues, and the Center encourages scholarship in these areas and also inspires students to develop their interests in critical theory.

In addition to programs and centers are entities such as LATCRIT—Latino critical theory, which has a 501(c)(3) status and is now more than twenty years old.⁶¹ It has the twin goals of developing a critical, activist and interdisciplinary discourse on law and policy toward Latinas/os, and of fostering both the development and practice of coalitional theory. It has always had a global emphasis as well. Among its greatest scholarly contributions have been nearly twenty conferences that have attracted a wide range of contributors. Themes of some of its recent conferences have included *The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up* (2010),⁶² and *Global Justice* (2011).⁶³ The twentieth-anniversary *Conference LatCrit 2015* focused on *Critical Constitutionalism*.⁶⁴

A very new development for CRT is critical race theory and empirical methods (“eCRT”). One of the critiques of CRT has been that it did not focus on evidentiary support for some of its claims, and that the reliance on narrative in many cases left anecdotes to stand in for broader proof. eCRT started in 2010 by those, including many junior scholars, who believed that scholarship on race could benefit from intersecting sophisticated social science research methods with CRT. The eCRT scholarship has been broadly interdisciplinary—at the nexus of CRT and sociology, social psychology, anthropology, economics, law, psychology, business, and political science. The *Wisconsin Law Review* published a symposium on critical race theory and

58. *Eighth Annual CRS Symposium: “Race and Resistance: Against Police Violence”*, UCLA LAW, <https://www.law.ucla.edu/centers/social-policy/critical-race-studies/events/1693/2015/10/16/Eighth-Annual-CRS-Symposium-c--Race-and-Resistance-c--Against-Police-Violence/> (last visited July 10, 2016).

59. *About the Critical Race Studies Program*, UCLA LAW, <https://law.ucla.edu/centers/social-policy/critical-race-studies/about/> (last visited July 10, 2016).

60. *See Aoki Center for Critical Race and Nation Studies*, U.C. DAVIS SCH. OF LAW, <https://law.ucdavis.edu/centers/critical-race/> (last visited July 10, 2016).

61. *See* LAT CRIT, <http://latcrit.org/index/> (last visited July 10, 2016).

62. *LatCrit XV Symposium: The Color of the Economic Crisis: Exploring the Downturn from the Bottom Up*, 14 HARV. LATINO L. REV. 243 (2011).

63. *LatCrit XVI, Global Justice: Theories, Histories, Futures*, LAT CRIT, <http://latcrit.org/content/conferences/latcrit-biennial-conferences/latcrit-xvi-annual-conference-2011/> (last visited July 10, 2016).

64. *Critical Constitutionalism: LatCrit 2015: Twentieth Anniversary Conference*, LAT CRIT <http://www.latcrit.org/content/conferences/latcrit-biennial-conferences/latcrit-2015/> (last visited July 10, 2016).

empirical methods in 2015.⁶⁵ Panels ranged from *Rethinking Public Health Law: Race, Science and Health Disparities* to *BlackWisconsinLivesMatter: What Can eCRT Add to the Movement?* to a *Roundtable on Diversifying the Relationship Between Critical Theory and Social Science Methods: Gender, Sexuality and Class*.⁶⁶ In the same year, *Fordham Law Review* also did a symposium titled *Critical Race Theory and Empirical Methods*.⁶⁷ My brilliant young Iowa colleague Paul Gowder presented *Critical Race Science and Critical Race Philosophy of Science*.⁶⁸

Finally, CRT has jumped the national barriers and has produced both international and comparative law perspectives. Articles include: *Justice in Whose Eyes? Why Lawyers Should Read Black Australian Literature*;⁶⁹ *Bringing Critical Race Theory to Europe: The Case of Immigrant Women*;⁷⁰ and *Rethinking Baker: A Critical Race Feminist Theory of Disability*,⁷¹ a Canadian case. CRT is also linked to another jurisprudential trend in international and comparative law known as TWAIL—Third World approaches to international law and postcolonial theory.⁷²

The Future

Clearly, CRT is needed more than ever. We have not solved any of our racial dilemmas despite individual cases of success and the election of our first black president. We need more people of color who desire to become lawyers, professors, and judges, even in times when our profession is under duress. We need more programs like the series of Lutie Lyttle workshops, which celebrated ten years this summer as a forum for black women professors—some

65. See *Critical Race Theory and Empirical Methods: Wisconsin Law Review Symposium and Institute for Legal Studies Research Workshop*, UNIV. OF WIS. LAW SCH., <http://law.wisc.edu/ils/2015lawreviewsymposium/index.html> (last visited July 10, 2016).

66. *Id.*

67. *Critical Race Theory and Empirical Methods Conference*, FORDHAM LAW REVIEW, <http://fordhamlawreview.org/symposiumcategory/critical-race-theory-and-empirical-methods-conference/> (last visited July 10, 2016).

68. See Paul Gowder, *Critical Race Science and Critical Race Philosophy of Science*, 83 FORDHAM L. REV. 3155 (2015).

69. Nicole Watson, *Justice in Whose Eyes? Why Lawyers Should Read Black Australian Literature*, 23 GRIFFITH L. REV. 44 (2014).

70. Fulvia Staiano, *Bringing Critical Race Theory to Europe: The Case of Immigrant Women*, 8 EUR. J. LEGAL STUD. 73 (2015).

71. Alyssa Clutterbuck, *Rethinking Baker: A Critical Race Feminist Theory of Disability*, 20 APPEAL 51 (2015).

72. For more about TWAIL, see James Thuo Gathii & Henry J. Richardson, *Introduction to the Symposium on TWAIL Perspectives on ICL, IHL, and Intervention*, AJILUNBOUND (Mar. 17, 2016 11:25 AM) <https://www.asil.org/blogs/introduction-symposium-twail-perspectives-icl-ihl-and-intervention>.

of whom produce CRT scholarship.⁷³ More than 120 women came to Iowa this July. The University of Miami School of Law hosted the Seventh John Mercer Langston Writing Workshop for black male faculty at the same time as the Lutie conference took place.⁷⁴ The papers published in these conferences have been major generators of considerable critical scholarship and have helped scholars of color become professors, win promotions, and get tenure.⁷⁵ In an era when many schools will lack a dedicated CRT course, there will continue to be a need to integrate the material into all relevant courses. We need more programs like UCLA's, more empiricism, more intersectionality.

We need more of us willing to engage in praxis like Kim Crenshaw's *African American Forum* (AAPF).⁷⁶ Founded in 1996, AAPF was developed as part of an ongoing effort to promote women's rights in the context of struggles for racial equality. It serves as an information clearinghouse that works to bridge the gap between scholarly research and public debates on questions of inequality, discrimination, and injustice. It is dedicated to advancing and expanding racial justice, gender equality, and the indivisibility of all human rights, both in the U.S. and internationally. It is linked to Black Lives Matter and is on the front line of efforts to center the struggles of women of color to achieve justice.⁷⁷

Conclusion

My oldest grandson is about to start college. Can he forget that race matters and just take a history course on the subject? Will any of my grandchildren be able to forget that race matters? The youngest is just a baby—what will be the reality in eighteen years for her when she starts college? We must all work to make a more just world for our children and grandchildren, and CRT can be one aspect of that important mission.

73. See, e.g., *Ninth Annual Lutie Lytle Black Women Law Faculty Writing Workshop: Advance Your Agenda, Build Your Brand and Chart Your Career*, VANDERBILT LAW SCH. <http://law.vanderbilt.edu/academics/scholarly-events/lutie-lytle-black-women-law-faculty-writing-workshop/> (last visited July 10, 2016).

74. *Writing Workshop for Black Male Law Profs*, LEGAL SCHOLARSHIP BLOG, <http://www.legalscholarshipblog.com/2016/03/17/writing-workshop-for-untured-black-men-coral-gables-fl/>.

75. See Rachel Anderson, *Lutie A. Lytle Black Women Law Faculty Writing Workshop*, UNLV William S. Boyd School of Law, Aug. 6, 2013, https://law.wisc.edu/ils/2014lytleworkshop/boyd_memo_on_lutie_a_lytle_history.pdf [<https://perma.cc/E4AZ-BHGC>].

76. See AFRICAN AM. POLICY FORUM, <http://www.aapf.org/> (last visited July 10, 2016).

77. *Id.*