

# A Critical Analysis of Critical Race Theory

by John Eidsmoe December 4, 2020 Dr. Eidsmoe is writes here in the Dec. 20<sup>th</sup> addition of the New American. John has taught constitutional law for decades



AP Images

As you read and watch the news, do you feel like you've been transported to a different world? A world in which right is called wrong, good is called evil, rioters and vandals are called protesters and demonstrators, and criminality is called “social justice”? A world in which faceless masked people scream slogans that seemingly make no sense? A world in which racial neutrality is denounced as racism, while overt racism — provided it is for the right race and against the wrong race — is politically correct?

Then welcome to the “woke” ideology of 2020 and its “social justice”!

Welcome to a world that uses terminology that ordinary Americans weren't brought up with and don't understand, and often gives language the opposite meaning from common understanding.

Welcome to a world that proclaims tolerance and respect for all religions, except Christianity.

It's been coming for awhile. But when the COVID-19 crisis hit, social-justice warriors saw their opportunity. The media and the Left (am I being redundant?) used the fear of dying, and the lockdowns resulting from that fear, to drive popular public opinion to demand federal aid. The administration pushed for stimulus packages, but the new funds for COVID spending were created out of thin air — and didn't come as a result of taxing real wealth — meaning that there are now more U.S. dollars in the economic chasing the same amount of goods. This drove up the price of goods (inflation) and thereby caused great hardship, especially to low-income people.

The Left went a few steps (miles) further, following Rahm Emanuel's mantra, "Never let a good crisis go to waste." The radical Left actually resisted and delayed the stimulus agreed to by Republicans unless the bill included key elements of the Left's agenda: making corporations reveal pay statistics by race and race statistics for corporate boards, bailing out Post Office debt, requiring early voting, requiring same-day voter registration, bailing out student loans, requiring that one-third of board members of companies seeking assistance must be chosen by the workers, provisions on official time for union collective bargaining, fully offsetting airline emissions, releasing greenhouse gas statistics for individual flights, providing for retirement plans for community newspaper employees, and instituting a \$15 minimum wage and permanent paid leave at companies seeking assistance. Most of these conditions were utterly unrelated to the pandemic or to economic recovery, but House Speaker Nancy Pelosi and the Left were willing to hold the country hostage unless their radical wish list was granted. Fortunately, saner minds prevailed and the Left was forced to back down — this time.

And so, the country hunkered down and hoped for recovery. But retaining the status quo was not an option for the Left: just putting people in masks and making them stay home wasn't enough. The movement needed a "trigger" to start the agitation for radical change.

And they found that trigger in the tragic death of George Floyd in Minneapolis on May 25, 2020.

Almost overnight, George Floyd became a household name. The Left and its supporters took to the streets in anger. Some may have intended peaceful protest, but the demonstrations quickly degenerated into rioting, looting, vandalism, and violence, consistently underreported by sympathetic media, while the cowed public remained quiet, compliant, masked, and confined to their homes.

The goal of the Left is massive changes in American society, changes that would unravel the American constitutional republic. The goal is "social justice" as the Left defines the term: massive shifts of wealth and power from "oppressors" to the "oppressed."



**One fear above all others:** Socialists have used fear generated by COVID deaths to demand more governmental control over all facets of Americans' lives, even to the point of not allowing people out of their residences. Socialists intend to keep and expand the new powers. (Photo credit: AP Images)

The present social-justice movement has Marxist roots: Black Lives Matter founder Patrisse Cullors openly proclaimed that she and her fellow organizers are “trained Marxists.” Marxism teaches that the central fact of history and human existence is one of economic class struggle, with oppressed classes working for the violent overthrow of their so-called oppressors. And despite Marxist promises of equality and a classless society in a workers’ paradise via revolution and strict socialism, Marxism has universally led to totalitarian thought control, starvation, and mass extermination of those whom the Communist Party regards as suspect.

In the early 1900s, an offshoot of Marxism, often called Cultural Marxism, stressed that the class struggle is not just economic warfare between the poor and the rich. Rather, it is a much broader struggle between races, sexes, cultures, ideologies, and all types of identity groups, and it must be spread not just by overt Marxist indoctrination but by influencing culture, media, entertainment, music, literature, schools, labor unions, and even churches. At first centered in the Frankfurt School in Germany, Cultural Marxism spread to Geneva and other parts of Europe, and to American universities. The movement’s students became the New Left radicals of the 1960s, led by the Students for a Democratic Society, the Weather Underground, the Youth International Party (Yippies), and other groups. The streets and campuses erupted into demonstrations and, sometimes, violence. The Vietnam War was the central catalyst that ignited the movement, but ending the war was only one of their goals. Racism, police brutality, economic injustice, and “authority” in general were targets, and America was portrayed as an oppressive country that exploited other nations and its own oppressed classes. Professors urged students to question and challenge authority (unless a student challenged the professor’s authority; then they went ballistic!).

The '60s faded into the '70s, and then came the Reagan era of the '80s. Many of the hippies and yippies became yuppies, their radicalism faded, and they decided that working and earning a living wasn't so bad after all. But many became teachers,

professors, and school administrators; others went to work for foundations. And they spent the next several decades training a new generation of radicals. We've seen the fruit of their labor on the streets and campuses this past summer. The year 2020 has been replay of the 1960s, with an important difference: In the 1960s, local government officials and law enforcement stood against the radicals, but in 2020, local officials (often themselves products of 1960s radicalism) have often supported the radicals and have ordered law enforcement to stand down.

To understand the mind-set of the Cultural Marxism of the 2020s, we need to clarify several key concepts:

**Woke:** Becoming aware of injustice and oppression, whether real or perceived, and becoming motivated to act to end these evils.

**Raising Consciousness:** Educating/indoctrinating people about racism and injustice, especially making them aware of "white privilege."

**White Privilege:** The inherent advantages of being white: greater accumulated wealth, prestige, credibility. Many concepts that we think necessary for success today (punctuality, work ethic, logical consistency) are supposedly the product of white privilege. To prove a white person is a racist, a Cultural Marxist need only ask this simple question: "Are you a racist?" If a person's answer is no, that's all the proof needed to determine that the person is so imbued with white privilege he doesn't even recognize his racism.

**Subjectivity:** Truth is subjective, not objective. Cultural Marxists arrive at truth by feeling and identifying, not by logic and evidence. In "woke" thinking, logic itself is often belittled as a Western white male construct.

**Critical Theory:** This is the heart of Cultural Marxism: reinterpreting all areas of study in terms of oppressors and oppressed, and gaming the system to favor the oppressed. Critical Legal Studies, a movement in law schools, seeks ways of reshaping the legal system to produce outcomes to favor oppressed groups and disfavor oppressors. Critical Race Theory tries to demonstrate that the legal/political/economic system is racist and must be changed. Critical Feminism sees the system as sexist; Queer Theory applies the same reasoning to sexual orientation and identity, and more.

**Identity Group:** Classifying people, not as individuals, but as groups identified by race, sex, orientation, identification, wealth, health, religion, citizenship, and more. Curiously, often one's identity group is determined by who you identify with, not who you actually are. Former Democratic presidential candidate Robert Francis O'Rourke is neither poor nor Hispanic, but by taking on the name "Beto" he tried to cast his identity with poor Hispanics, with some success. Recently on national news a young white woman was filmed yelling at black police officers, "You're traitors to your race!" (One wonders what the officers were thinking. And does the young woman really want the black officers to resign and make the police force all white? The movement to defund the police is utterly

irrational, as minorities are the primary victims of crime. And if the thought of police officers acting as social workers is scary, the thought of social workers acting as police officers is even scarier.)

According to woke thinking, some of these identity groups are oppressors, and some are oppressed. Whites oppress blacks and Hispanics; Jews and Asians may be either oppressed or oppressors, depending upon what wokesters want to call them at any particular time. Wealthy people (defined as anyone who isn't destitute) oppress the poor. Males oppress females. Citizens oppress non-citizens. Healthy people oppress those who are disabled. Christians oppress, well, just about everybody. Fostering conflict between identity groups is a primary tactic of Cultural Marxists.

**Zero-Sum Game:** In simplistic woke thinking, economics is a zero-sum game in which no new wealth is generated or destroyed. Therefore, every time you gain a dollar, that's one dollar less for someone else. If you've become rich, you've done so either by making another person very poor or making a lot of people a little poor. Businesses do not employ people and give them opportunities; they exploit people. (So according to these people, America really has the same amount of wealth as when the Pilgrims moved here — no more was created — and it keeps getting divided further and further.)



**Not just clowning around:** In the 1960s, the Youth International Party, known as Yippies (shown here), was just one Marxist offshoot group that portrayed America as an oppressive society and worked to change the culture by fomenting discord between races, sexes, beliefs, and more. (Photo credit: AP Images)

**Social Justice:** Justice, in the view of Cultural Marxists, is not justice in the sense of rendering a verdict that is in accord with the evidence and the law, but is attained when there is a massive shift of power from oppressors to the oppressed. According to woke thinking, oppression (whatever that is) is the ultimate sin, and fighting oppression is the ultimate virtue. Those committed to social justice often call themselves social-justice warriors, or SJWs.

**Intersectionality:** This term brings it all together. Obviously, no one belongs to just one identity group. Because of your race, sex, economic status, nationality, etc., you belong

to many identity groups, some of which may be oppressors and some of which may be oppressed. One may be a wealthy gay white female Buddhist, belonging to two oppressor groups and three oppressed groups (gay, female, Buddhist).

And that person's moral authority to speak out on issues of oppression depends on the intersectionality of your identity groups, because only the oppressed can know what oppression feels like. A poor gay black disabled undocumented immigrant (read: illegal alien) pagan female has great moral authority to speak about oppression. A wealthy straight white healthy American Christian male has none at all. Even though you and your wife may think alike and consider yourselves soul mates, females automatically have more moral authority than males do, because they belong to at least one oppressed identity group.

In woke minds, only members of oppressor identity groups can commit oppression. Only oppressor races can be guilty of racism. Only the oppressive sex can be guilty of sexism.

Hating white people, or using racist epithets against Caucasians, or looting white businesses, is not, then, racism, because an oppressed race cannot be guilty of racism. So there are lots of actions that some sub-groups can get away with that other groups can't. Serving as a poll watcher in a predominantly black precinct, I observed a black man say loudly to those around him, "I'm not for the Democrats, I'm not for the Republicans; I'm for whatever is good for the black man." No one seemed to think anything was wrong with this. But if a white voter had made the exact same speech but had said "white man," instead of "black man," he would have been denounced as a racist or worse.

Snide put-downs of women are in very bad taste and can bring charges of sexual harassment. But the same comments about men are considered clever and can even bring applause, because an oppressed sex cannot be guilty of sexism.

Venomous attacks upon Christianity are ignored, while the same types of attacks upon non-Christians are condemned as bigotry. Why? Because according to wokesters, Christians are an oppressor group, even though there have been more Christian martyrs in the past century than in all other centuries of Christian history combined.

Likewise, if oppressed people (whether due to race, or economic status, or just because they identify with the oppressed) loot, vandalize, and burn business establishments, they've done nothing wrong. After all, they're oppressed, and they're just taking back what is rightfully theirs. That's social justice!

As long as groups are deemed "oppressed," they are given a pass for disagreeable behaviors. That is why Muslims and LGBTQ people seem to tolerate one another, even though their beliefs and practices are anathema to one another. They (at least in America) both perceive themselves as oppressed identity groups. It's likely that when

they no longer perceive themselves as victims of a common enemy, one will attack the other.

## Countering Woke Thinking

Countering woke thinking is difficult. First, it is hard to reason with people for whom truth is subjective and logic is a “construct” of the oppressor. And it is impossible to awaken someone who is only pretending to be asleep. Pointing out that proportionately more blacks than whites are killed by police officers because blacks (especially young black males), proportionately, commit more violent crimes than whites, and that in 2015, 89 percent of black murder victims were killed by other blacks will probably not persuade a person who has concluded, based on feelings, that “the police victimize black people.”

But you might help a person understand that he doesn’t run his life by feeling. He (we hope) doesn’t buy a car, plan a diet, or obtain healthcare based on what “feels right.” So why build a worldview on that kind of thinking?

And if truth is subjective and there are no absolutes, then why is the oppression that the Cultural Marxists always harp against always absolutely wrong?

Second, if a woke person believes oppression is always wrong because it violates the fundamental principle of equality, you might then ask, “Why do you believe in equality, especially considering people have varying levels of abilities, physical attributes, effort, and more? Why do Americans in general believe all people are equal, and why is this principle so fundamental? As he fumbles for an answer, point out to him that equality is a uniquely Judeo-Christian concept, and that as Joshua Berman of Bar-Ilan University observes in his book *Created Equal: How the Bible Broke With Ancient Political Thought*,

If there was one truth the ancients held to be self-evident it was that all men were not created equal. If we maintain today, that in fact, they are endowed by their Creator with certain inalienable rights, then it is because we have inherited as part of our cultural heritage notions of equality that were deeply entrenched in the ancient passages of the Pentateuch.

Darwinian evolution, secular humanism, and atheism provide no basis for equality. In his book *Mein Kampf*, Hitler relied on Darwinism for his belief that the Aryan nation had evolved into a master race. The only firm basis for a belief in equality is that expressed by our Founders in the Declaration of Independence, that “all men are created equal,” and that they are “endowed by their Creator with certain unalienable rights.” Once we form common ground with our belief in equality and establish that equality is a biblical, Judeo-Christian concept — which is very anti-woke — the door may open to other areas of dialogue as well.



**Equal is as equal does:** Many religious figures have backed woke culture, believing they are promoting equality. But real equality is the state of being treated equally, which is true in this country on a societal level, meaning that the religious people are really backing racial preferences/racism. (Photo credit: AP Images)

Third, even if we could classify the white race (or the male sex, etc.) as an oppressor identity group, does that mean every interaction between a white person and a black person is white oppression? Are there no acts of benevolence? And could there not be some circumstances in which a black person oppresses a white, or a poor person oppresses a person who is not poor? We need to take off the blinders of identity groups, and instead look to the actions and interactions of individuals.

Fourth, we could point out that economics, unlike gambling and theft, is not a zero-sum game. One does not necessarily become rich at the expense of someone else. If Sam invents a product, establishes a factory, and hires workers to manufacture and sell a product, he is not taking wealth from others. He is creating new wealth, providing new jobs, and providing consumers with a product they want to buy.

And people benefit from economic transactions. I recently sold a horse to a rancher for \$900. We made the deal because I needed the \$900 more than I needed the horse, and the rancher needed the horse more than he needed the \$900. So we both came away with something we wanted and needed more than what we had before. The same is true when you exchange money for a loaf of bread, or when you exchange your time and labor for a wage.

The rancher wanted that horse because he believed he could train him to become a good cutting horse. If he is successful, he would increase the value of that horse to several thousand dollars. Good for him!

But remember, the woke person is not primarily persuaded by reason and evidence. You can explain the classic Aristotelian arguments for the existence of God, some of which are very sound, but don't be surprised if the woke person is not moved by them. You can present the compelling evidence for the resurrection of Jesus Christ, as Paul



eloquently does in I Corinthians 15, but the woke person doesn't base his conclusions on evidence.

But if you are a Christian, and you share in very personal terms what Jesus Christ has done for you and how He has changed your life, then he might listen. And if you can establish a long-term relationship in which you show him that you are his friend, then you are likely to gain a convert.

Then we can be truly awakened, but not "woke": "Wherefore he saith, Awake thou that sleepest, and arise from the dead, and Christ shall give thee light." (Ephesians 5:14).

And finally, churches and synagogues must "*contend earnestly for the faith that was once delivered unto the saints.*" (Jude 3). Too many religious leaders today either have rejected orthodox theology, do not understand woke thinking, or actively buy into it and promote it to their congregations. They need to be like the men of Issachar, "who understood the times and knew what Israel should do." (I Chronicles 12:32). And they must actively take a stand for the truth: "*For if the trumpet give an uncertain sound, who shall prepare himself to the battle?*" (I Corinthians 14:8).



**John Eidsmoe**