

*A Privileged White Retiree Man-splains*

# **CRITICAL RACE THEORY**

What could go wrong?

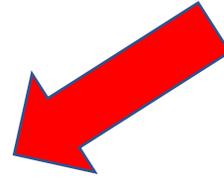
*First of all, thank you for having me.*

Two claims that I hope to show are mostly false—but, in very small ways, slightly true:

1. CRT is a communist-inspired piece of ***woke*** (i.e., ***politically correct***) nonsense designed to damage America and make white school children feel ***guilty*** about being white. (A standard right wing take on CRT)

2. CRT is a ***very technical*** theory of law ***taught only in law and grad schools*** and much ***too complicated*** to be discussed in K-12 classrooms. (A standard left wing response to 1.)

We will get back to this  
22 slides from now.



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Explaining the small amount of truth in this

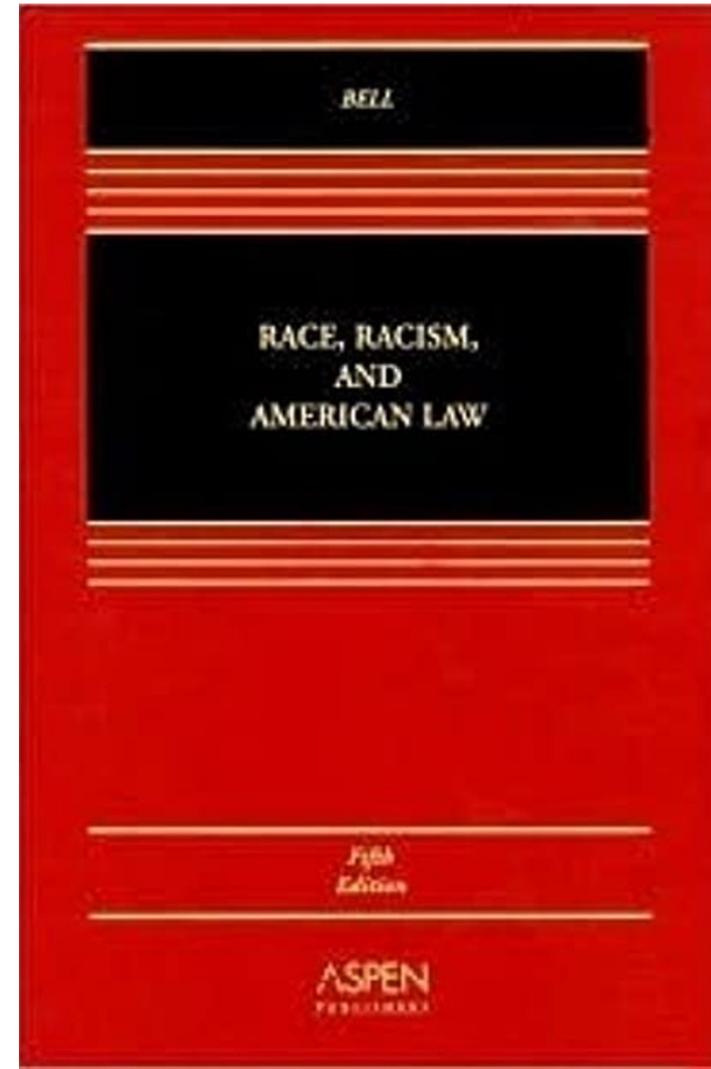
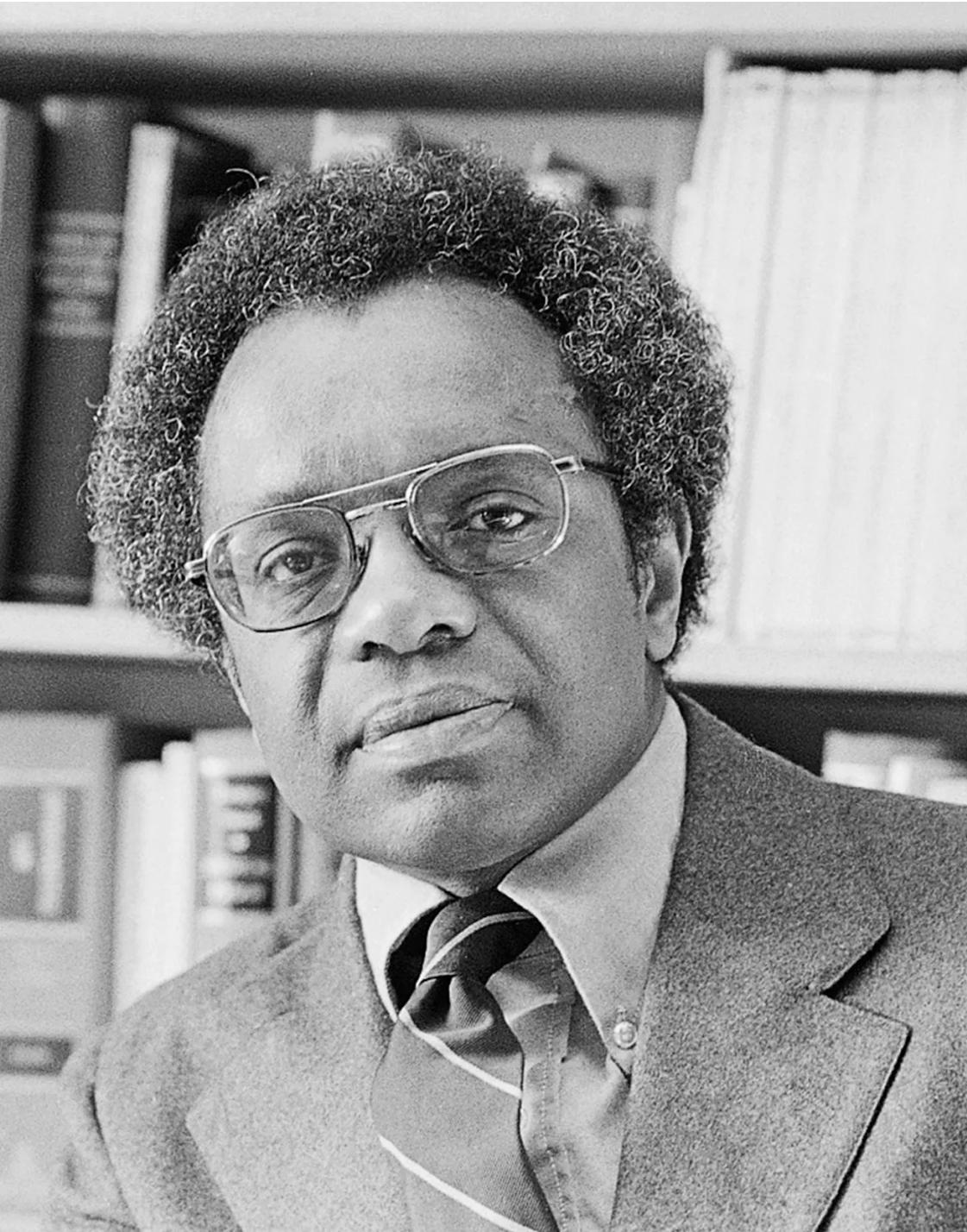


2. CRT is a very technical theory of law taught only in law and grad schools and much too complicated to be discussed in K-12 classrooms. (A standard left wing response to 1.)

Will do a lot to explain this



**THE ORIGINS OF CRT**



**Derrick Bell** (1930-2011) Prof. of Law, USC, Harvard, NYU; Dean of Univ. of Oregon Law School

## Bell is best known for four big things:

1. His Development of the concept of **Systemic Racism**
2. His Attack on the **Liberal Ideal** of **Color-Blindness** when it is used as a Means to an End rather than an End
3. His Theory of **Interest Convergence**
4. His Increasing Pessimism about the **Permanence of Racism** in America

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These are very interesting ideas, but, I think, less intimately tied to the development of CRT.

So, I will focus on these two:



The basic idea of **systemic racism** was presaged (in 1967) by this guy:



**Stokely Carmichael**

But, in his account of “**institutional racism**” in ***Black Power*** (co-written with Charles V. Hamilton) Carmichael (later, Kwame Ture) did not draw out some of the consequences that Bell would. (A case could also be made for finding some of the roots of this idea in W.E.B. Du Bois and others.)

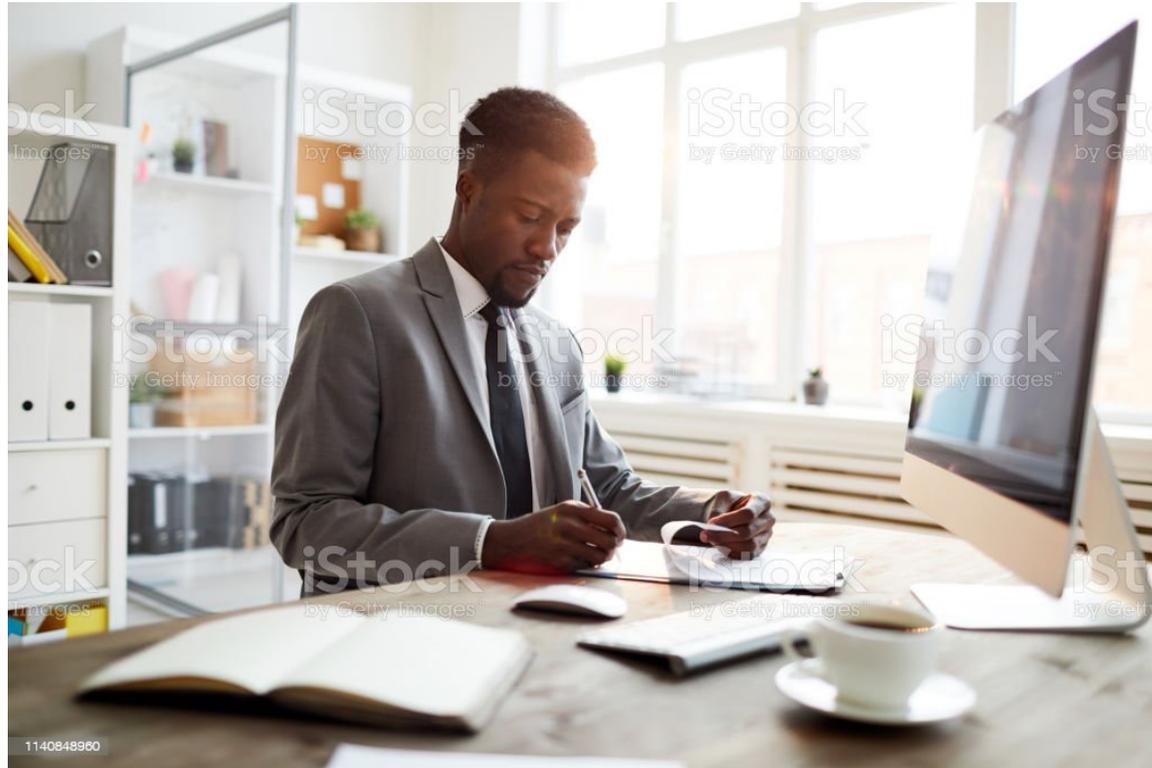
Principal among these consequences was the *irreducibility* of **systemic racism** to **interpersonal racism**.

A standard example of **interpersonal racism** would be a red-faced redneck yelling racist slurs at a black man.



a red-faced redneck yelling racial slurs at a Black store manager in Atascadero after he was asked to put on a mask

A standard example of **systemic racism** would be a well-off black bank officer calmly informing a black family that they cannot get a mortgage for a house in a certain neighborhood because that area has been redlined.



There is no reason to suspect the banker of being a racist. He's just doing his job. If he approved the mortgage then he would be fired and the mortgage would be revoked anyway. The system would grind on with or without him.

The example of the black banker establishes Bell's main point about systemic racism:

***It is **not reducible** to **nor even very well connected** to interpersonal racism at all.***

It is possible that interpersonal racism could completely disappear (as it ***almost*** looked like it would for ***some of us*** back in the 1970s) and systemic racism would continue anyhow.

Here are some more easy examples of systemic racism:

- The War on Drugs
- Differential Sentencing and Mass Incarceration
- Racial Profiling
- Funding for K-12 Schools
- Food Deserts
- Environmental Racism
- Etc., etc., etc.
- Typing “examples of systemic racism” (with quotes) into Google got me 97,300 hits in .4 seconds

Enough of:

1. His Development of the concept of **Systemic Racism**  
(Though, one must wonder at this point: What's so *technical*, or even particularly *legal*, about this topic?)

On to:

2. His Attack on the **Liberal Ideal of Color-Blindness** when it is used as a Means to an End rather than an End

At least his work on **color-blindness** *does* touch on *a slightly challenging point* in jurisprudence (the philosophy of law). Also, as we shall see shortly, it leads to some curious *tangles in philosophy* proper, that is, in the areas of **epistemology** (which concerns questions about the nature of **knowledge**) and **metaphysics** (which concerns the nature of **reality**).

**Fear not.** In the end, the tangles are pretty superficial—and kind of dumb.

But, to get back to color-blindness...

Right wingers have, of late, shown an interesting fondness for one thing—often **just this one thing**—said by this man:



“I have a dream that my four little children will one day live in a nation where ***they will not be judged by the color of their skin but by the content of their character.***”

The *italicized* part of King's famous line has reached mantra status on the right wing. It has become catechism at FOX News that we should never be judging people on the basis of their race.

Accordingly, any kind of racial preference, ***any sort of affirmative action***, must be wrong. After all, it violates the gospel according to the Reverend Doctor Martin Luther King.

But, of course, FOX and their friends are just confusing means with ends here.

A color-blind society is *a dream, an end*, not a sensible *means* to that end.

**Pretending** that the field is already level in America is just that—**pretense**: the folks at FOX are just **pretending** to take the liberal *ideal* of *justice as fair play* seriously.

It is this *phony* sort of liberalism and its fraudulent appeal to color-blindness as a satisfactory *means* to racial justice that Bell and his followers would take aim at.

The aforementioned *slightly challenging point* in jurisprudence beneath all of this concerns this distinction:

**Formal (or Procedural) Justice** vs. **Substantive Justice**

Metaphorically:

- **Formal Justice** is a matter of making sure the same rules are being fairly applied on the field of play.
- **Substantive Justice** is a matter of making sure the field is level.

Less metaphorically, it is one thing to fairly sort college applications by SAT scores and high school GPAs and neither add nor subtract any points based on race or sex. It is quite another to make sure that girls and black kids haven't been ***systematically*** denied the opportunity to get a decent K-12 education and yet another to make sure that grading practices and the tests themselves aren't, by design, racist or sexist.

But, again, as was the case with Bell's conception of systemic racism, one must wonder:

**What's so *technical* about this distinction?**

For better or worse, Bell and his followers would take the FOX News sort of confusion about means and ends, about formal justice and substantive justice, and label it as *the LIBERAL theory of racial justice*. (There was considerable justification for Bell to do this in the 1970s.)

When CRT developed (almost twenty years later) it would run with this labelling and extend it into an attack *on Liberalism generally*.

**The first time the term “Critical Race Theory” was used was, apparently, at a conference in Wisconsin in 1989 attended by Bell and several of his students. The first real anthology of foundational CRT articles was published in 1995 and, again, featured Bell and many young law professors who were either Bell’s students or heavily influenced by him.**

Through the 1980s and into the 90s the ground was being prepared for CRT to take root in a patch of ***very anti-liberal*** weeds that had been spreading quickly in the humanities and social sciences.

***We have arrived at the aforementioned “tangle.”***

At the center of it is an explanation of the significance of the word ***“critical”*** and, also, an account of the ***small grain of truth*** in the right wingers claims that CRT is a descendant of Marxist thought. ***(And so, we are on to Claim 1. mentioned at the beginning, i.e., that CRT comes from communism.)***

The **short story** about the word “**critical**” is representable as a simple chain of theories:

**Critical** Race Theory

1990s



**Critical** Legal Studies

1970s



**Critical** School Marxism  
(Critical Theory)

1930s

Unfortunately, **the long story** can't be completely avoided.

Two points are in serious need for some clarification here:

- The full sense of the word **“liberal”** as Bell's followers are throwing it around, and
- The full sense of the word **“critical”** as it has been thrown around since the 1930s

**Liberalism** can, first of all, be understood as a position along a standard spectrum of contemporary ideologies from the far left (communism) and the far right (fascism):

**COMMUNISM SOCIALISM PROGRESSIVISM LIBERALISM NEOLIBERALISM NEOCONSERVATISM CONSERVATISM FASCISM**

Some other positions can slide all over this particular arrangement. **Libertarians** will tend to fall in the middle but not necessarily. Noam Chomsky (a famous leftie) once described himself as a libertarian socialist (or socialist libertarian, take your pick). **Nationalists** can be fascists, communists (with some difficulty) or anything in between. Same for **populists**.

As sloppy as all this is, “**liberalism**” is hardly synonymous with “**left wing**” and it is, generally, too far to the right to be the position of many “**leftist**” academics.

It also carries considerable historical freight...

To make a very long story inexcusably short...

**Liberalism** is one of the political philosophies (Marxism is another) that grew out of the **Enlightenment** (the “Age of Reason”). This is a period that forms its roots in the 1500s and comes to full bloom in the 1700s (though Enlightenment ideas are still quite alive and well today). Here’s a quick list of some of the things the Enlightenment held in high regard:

**Progress**

**Reason**

**Science**

**Technology**

**Industry**

**Engineering**

**Toleration (especially concerning religion)**

**Equality (at least equality of opportunity)**

**The Rule of Law**

**Representative Democracy**

**Liberty**

**The Centrality of Individual *RIGHTS***

**Meritocracy**

**Capitalism**

**Nationalism**

**Colonialism**

Obviously, there are tensions spread across this list of values. Over the centuries, faith in some of these items has been sacrificed in order to further other ones. **Capitalism** (which was never even on the list for Marxists) has been restrained in order to further **equality**. **Nationalism** has been restrained to further **capitalism**. **Colonialism** was restrained in order to further **toleration, equality** and **liberty** and, eventually, was dropped off the list entirely for most liberals. The relationship between **democracy** and **liberty** has always been troublesome (see Alexis de Tocqueville and John Stuart Mill on this—both worried about democracy becoming “**the tyranny of the majority**”).

Liberalism has always been a struggle, but there has always been a **constant belief** in the importance of achieving **rational consistency** or, at least, **reasonable coherence among its basic values** as things **progressed**.

There has always been **one constant**: a belief that it is only through reason, fair-minded analysis, honest observation and precise scientific explanation of the facts that **progress** toward any important social goal can be made.

***This*** is the real lynchpin of the Enlightenment and everything that would come under the rubric of “**modernism.**”

A footnote about “**modernism**” and “**postmodernism**”:

These terms mean completely different things in **art, architecture, literature and music** than they do in *the general area of the humanities, cultural studies, the history of ideas, the social sciences, philosophy and even the natural sciences.*

I have nothing important to say about **art, architecture, literature and music** today.

And now, back to *modernism as I am using the term:*

As soon as **Enlightenment, Modernist**, values started to deliver real progress they came under fire.

**Romanticism** emerged in Britain, Europe and America in the late 1700s as a reaction against the urban and industrial world that science, technology and capitalism had produced. And, of course, there was a lot to react against: dangerous working conditions, child labor, filthy air and filthier water, etc.

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Qualifications similar to the ones applied previously to “**Modernism**” apply to “**Romanticism.**” I am not not talking about art, literature, etc..

**We are now near the center of the “*tangle*.”**

By the end of the 1800s the Romantic reaction was taking a few really interesting turns toward the weird.

One of the most interesting, ***and influential***, of these came at the end of the pen of this guy...



## Friedrich Nietzsche (1844-1900)

*If there is a patron saint of everything that passes as “postmodernism,” “deconstructionism,” and, ultimately, most of what bears the tag “critical,” it’s this pale dude.*

Nietzsche was not content to just assail Enlightenment values for all the *little* “evils” they had produced (a wretched working class, environmental destruction, increasingly brutal forms of war, colonialism, sexism, etc.)

In fact, he sees nothing “bad” with any of these things.

In fact, they are all “good.”

These things are all *psychologically healthy* exercises of *the Will to Power*, of the strong crushing the weak, of the *ubermensch* *nobly* and indifferently dealing out efficient torment to all the losers in the world who are fit for nothing beyond the petty lives that their **neurotic “slave moralities” (like Christianity)** define as “good.” **“Master morality”** has its own concept of the “good”—“good” is what’s useful for the *ubermensch*.

(How this *apparently* racist, sexist, elitist, nihilistic fan of Attila the Hun becomes the rootstock of contemporary political correctness is one of the true marvels in the history of ideas.)

**So, what was his problem with the  
Enlightenment and Modernism?**

Stated as quickly as possible, the bottom line on Nietzsche (stated most clearly in the third essay of his *Genealogy of Morals*) is this:

The scientists of the Enlightenment reckoned that their world view had completely replaced the **neurotic** myths and fairy tales of medieval Christianity.

However, says Nietzsche, the scientific world view is just another **neurotic myth. There is no truth.** Science, just as much as any religion, is a series of groundless **stories, social constructions, narratives and genealogies** grounded not in **facts** (which don't exist) but, rather, nothing better than **the Will to Power.**

***This is the core axiom of POSTMODERNISM, DECONSTRUCTIONISM and most of what passes as “CRITICAL.”***

Don't spend too much time trying to figure out how it can be true that there is no truth or how it can be a fact that there are no facts. Logical coherence is just another neurotic myth of modernism.

To get back to all the “critical” stuff...

**Marxist Critical Theory (or “Critical School Marxism” or the “Frankfurt School”)** was an attempt to wed Marxism with very early postmodernism (Nietzsche and Heidegger). Ordinary (or “orthodox”) commies hated this. Ordinary Marxists (arrogantly called “naïve Marxists” by some CRT folk) revere science and see themselves as the only honest practitioners of real social science. “Ordinary Marxism,” by the way, is the only sort of Marxism that ever had any real effect in “the real world.”

**Critical Legal Studies** imported full-blown postmodernism (from all of Heidegger’s followers, especially Derrida) along with various strands of Marxism into jurisprudence to combat the dominant theories of legal positivism and legal formalism (“naïve” theories that hold that juridical decision-making ought to be based on careful, logical reasoning from precedents and foundational laws).

**Critical Race Theory** inherited a lot of postmodernism’s sophomoric relativism, power-based nihilism, science-hatred, elevation of narrative above analysis,, etc. etc..

So, here we have the small grain of truth noticed by right wingers: There is some small and very strained connection between CRT and communism.

Fortunately for CRT, the sort of communism that CRT consorts with is of no consequence. Outside of a few law schools and a bunch of social science and humanities departments (mostly in the U.S. and U.K.) hellbent on trading science and reason for French and German obscurantism, Critical School Marxism is of no importance. Any Marxists who still matter in the real world (like Xi Jinping) dismiss it as “Reactionary Socialism” (a term from Marx’s *Communist Manifesto*, Section III) or “Historical Nihilism” (another term from Xi’s *Thought*).

(Bell’s, “naïve” and **very orthodox Marxism** is, generally, strained out of contemporary CRT by his followers.)

We have also gotten to why **liberals** (and everyone to the left of them) ought to be worried about CRT. Most leftists think that we can use *facts* and *the truth* to push for *really just results*. We can appeal to *reality* to push back against the fairy tales and *denialism* of traditionalists and the pre-liberal, medieval nightmares of fascists. We can also appeal to some foundational **RIGHTS** that CRT folk are inclined to reject as just more modernist **liberal** “mythology.”

This is what is going on with things like ***The 1619 Project***. For all of its imperfections, it is a welcome tonic against the fairy tales that passed for “American History” in my school days.

***We—lefties***—are the ones who should proudly be “following the science,” not disparaging it as just another indefensible “social construction” or “myth.” ***We*** are the ones who should be attacking all of the frauds and deniers and their “alternative facts.”

One more note about relativism, nihilism, and “post” stuff:

**As a matter of history, Romantic anti-science rhetoric usually does not naturally bend toward the political left.**

Thirty-five years of postmodern intrusion into the cultural foundations of the American intelligentsia did not produce a new progressive groundswell—it **produced Trump**, just as mythical, pseudo-medieval, “Aryan” lore was useful to Hitler and “**post-truth**” *ethnic identity politics* is leading to the ascendance of **right-wing xenophobes everywhere.**

Heidegger, by the way, was a Nazi.

Indeed, the election of **Trump** (often described as “**our first post-truth president**”) had a very sobering effect amongst a large swath of university leftists in this country who had drunk the Kool-Aid of postmodernism.

Fortunately, a growing camp of CRT defenders are moving away from the 90's chic of worshipping Euro-obscurantism, science-hatred, cognitively-impaired relativism and the idea that everything is ultimately “myth,” “narrative” and “genealogies” of falsehoods from “diverse perspectives” as long as those unquestionable falsehoods are somehow “authentic” and “your truth”:



Angela Harris  
Prof. of Law  
UC-Davis



Khiara Bridges  
Prof. of Law  
Berkeley



Tommy Curry  
Prof. of Philosophy  
Univ of Edinburgh  
(having fled Texas A&M)

Though all three of these critical race theorists have, by my lights, a more than occasional tendency to slip into the obscure patter of deconstructive nonsense from the 90s and early 2000s, they all go, quite “incorrectly,” out of their ways to praise the virtues of **empirical research**, belief in **facts** and **objective truth**, and confidence that some things are **really unjust**.

Even in the mid-90s, Harris, for one, wanted to protest that CRT should be “redemptive, not deconstructive.”

Curry is, perhaps, the most strident and controversial of this group. He appears to think that, when it comes to CRT, white people—and especially postmodernist white feminists—need to sit down and shut up.

I'm not at all sure that he is wrong about this.

But I will keep standing and talking anyhow.

There is one final piece of legal scholarship that is, almost universally, seen as a foundational part of CRT. It is, as was the case with Bell's early work on systemic racism and color-blindness, something originally rooted in a somewhat technical discussion in law and jurisprudence—one surrounding the topic of ***intersectionality***.



This article is, *perhaps*, the most influential publication in the humanities and the social sciences in the last 40 years:

**Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics**

*Kimberle Crenshaw*†

*University of Chicago Legal Forum*, 1989

† (b. 1959) Prof. of Law, UCLA and Columbia

Once again, there is a slightly technical legal issue that motivates Crenshaw's article. It arises out of this:

**Three Title VII (Civil Rights Act of 1964) Cases:**

*DeGraffenreid v General Motors*—413 F Supp 142 (E.D.Mo. 1976)

*Moore v Hughes Helicopter*—708 F2d 475 (9<sup>th</sup> Cir 1983)

*Payne v Travenol*—673 F2d 798 (5<sup>th</sup> Cir 1982)

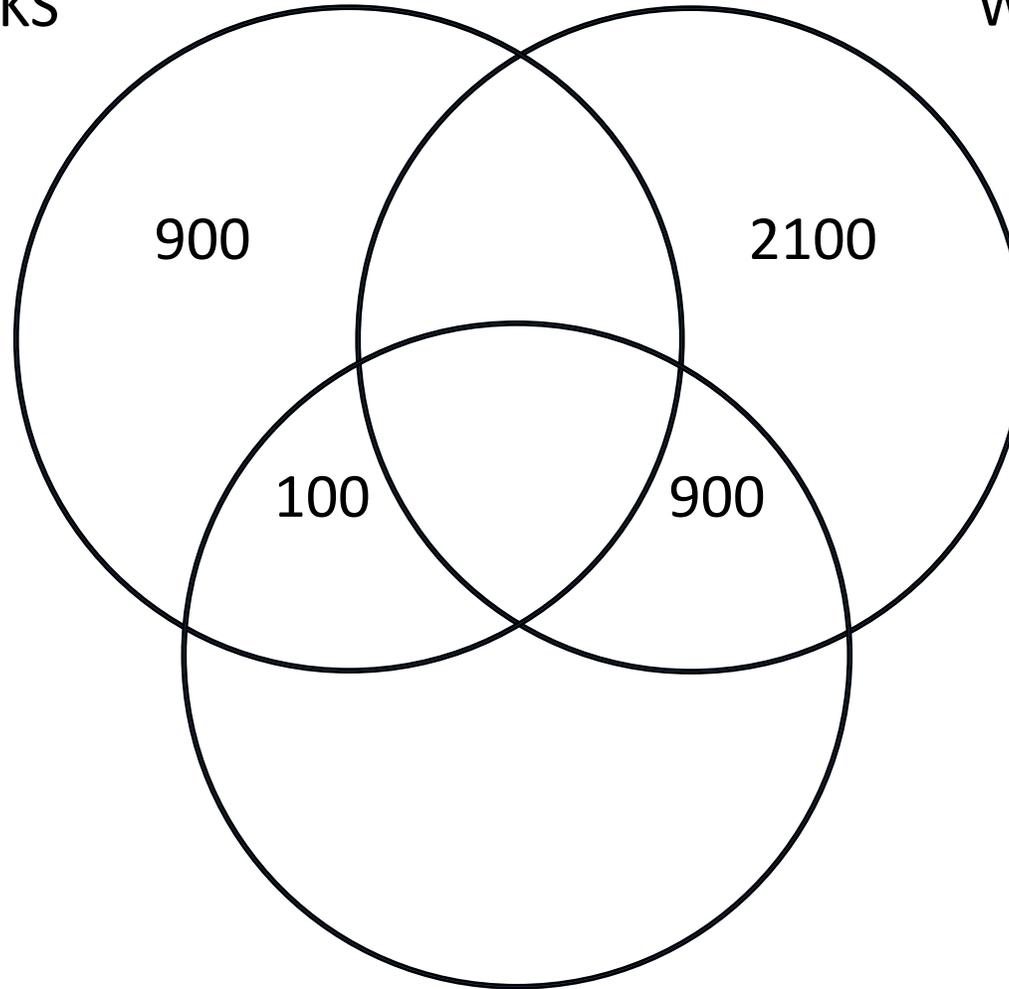
**A SIMPLIFICATION OF AN INTERSECTIONALITY PROBLEM:**

**If you're hearing about *intersections*  
then you can expect a Venn Diagram.**

**Here it is:**

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WHITES

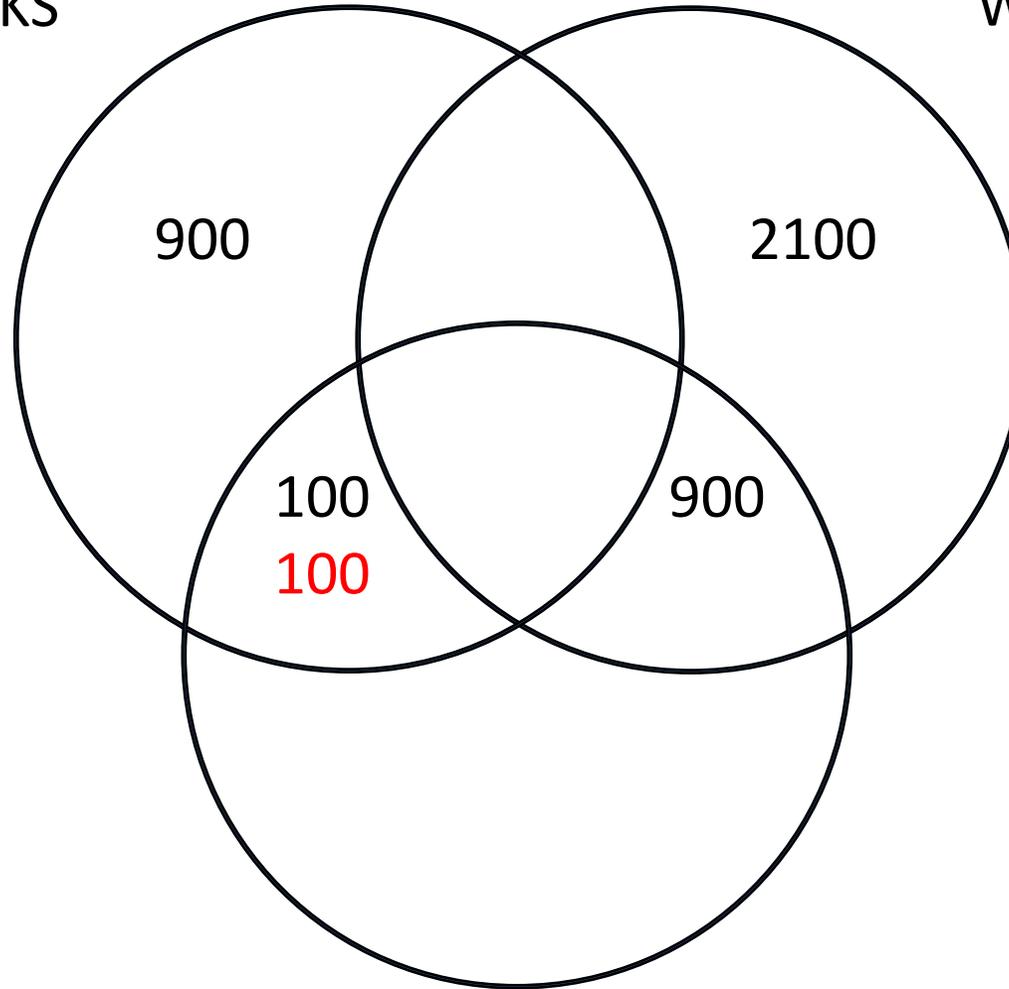


Total Employees: 4000  
Total Layoffs: 400 (10%)

WOMEN

BLACKS

WHITES



900

2100

100

900

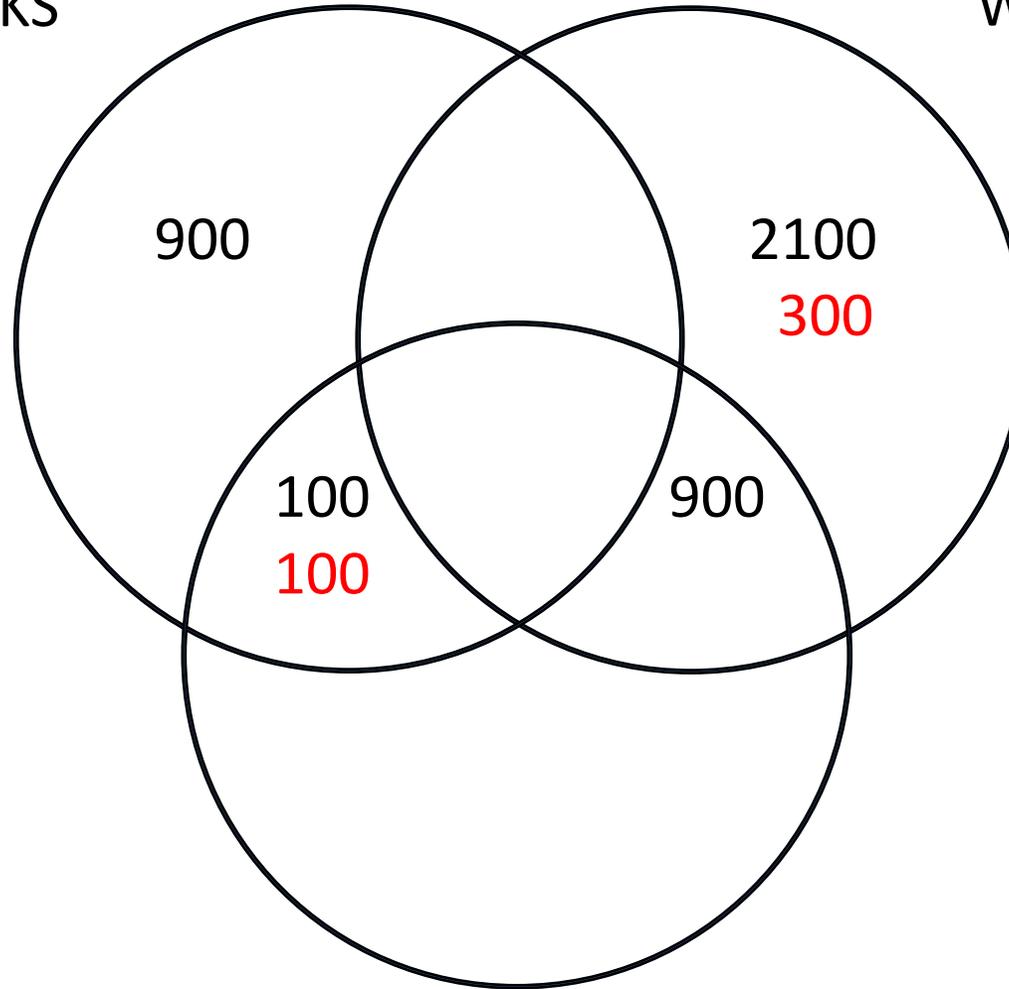
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WOMEN

Total Employees: 4000  
Total Layoffs: 400 (10%)

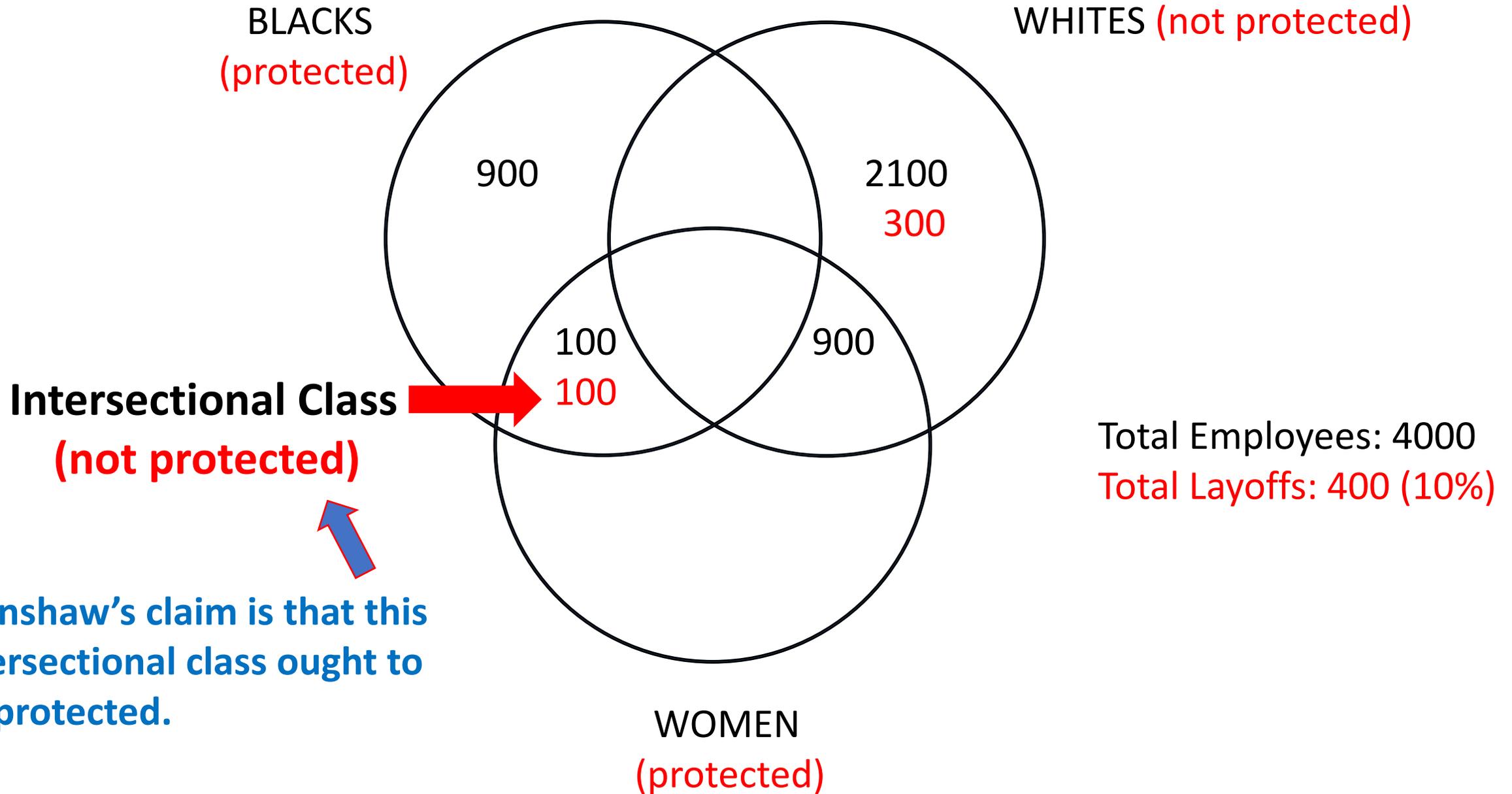
BLACKS

WHITES (not protected)



Total Employees: 4000  
Total Layoffs: 400 (10%)

WOMEN



Crenshaw's claim is that this intersectional class ought to be protected.

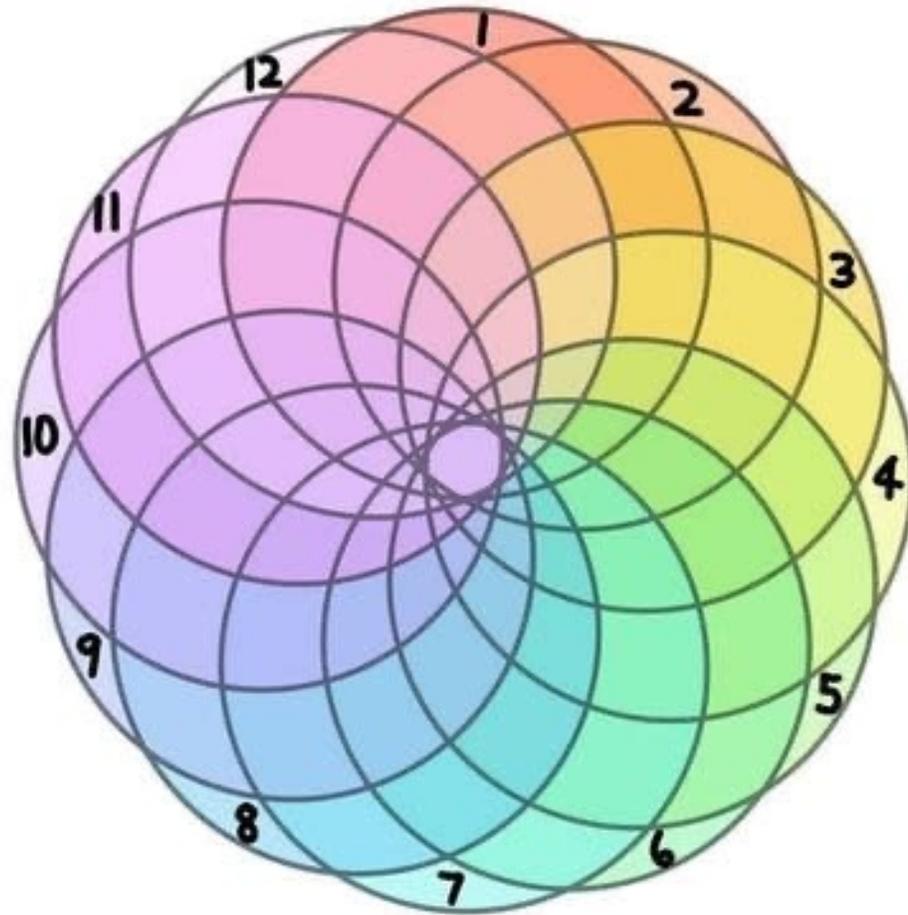
The Courts have found otherwise.

From the decision in *DeGraffenreid*:

“The legislative history surrounding Title VII does not indicate that the goal of the statute was to create a new classification of 'black women' who would have greater standing than, for example, a black male. The prospect of the creation of new classes of protected minorities, governed only by the mathematical principles of permutation and combination, clearly raises the prospect of opening the hackneyed Pandora's box.”

Unburdened by the stodgy and logical restraints of the law, this is ***exactly*** what has happened in the humanities and the social sciences. Pandora's box was gleefully opened:

# INTERSECTIONALITY



- 1 Race
  - 2 Ethnicity
  - 3 Gender identity
  - 4 Class
  - 5 Language
  - 6 Religion
  - 7 Ability
  - 8 Sexuality
  - 9 Mental health
  - 10 Age
  - 11 Education
  - 12 Attractiveness
- (...and many more...)

Intersectionality is a lens through which you can see where power comes and collides, where it locks and intersects. It is the acknowledgement that everyone has their own unique experiences of discrimination and privilege.

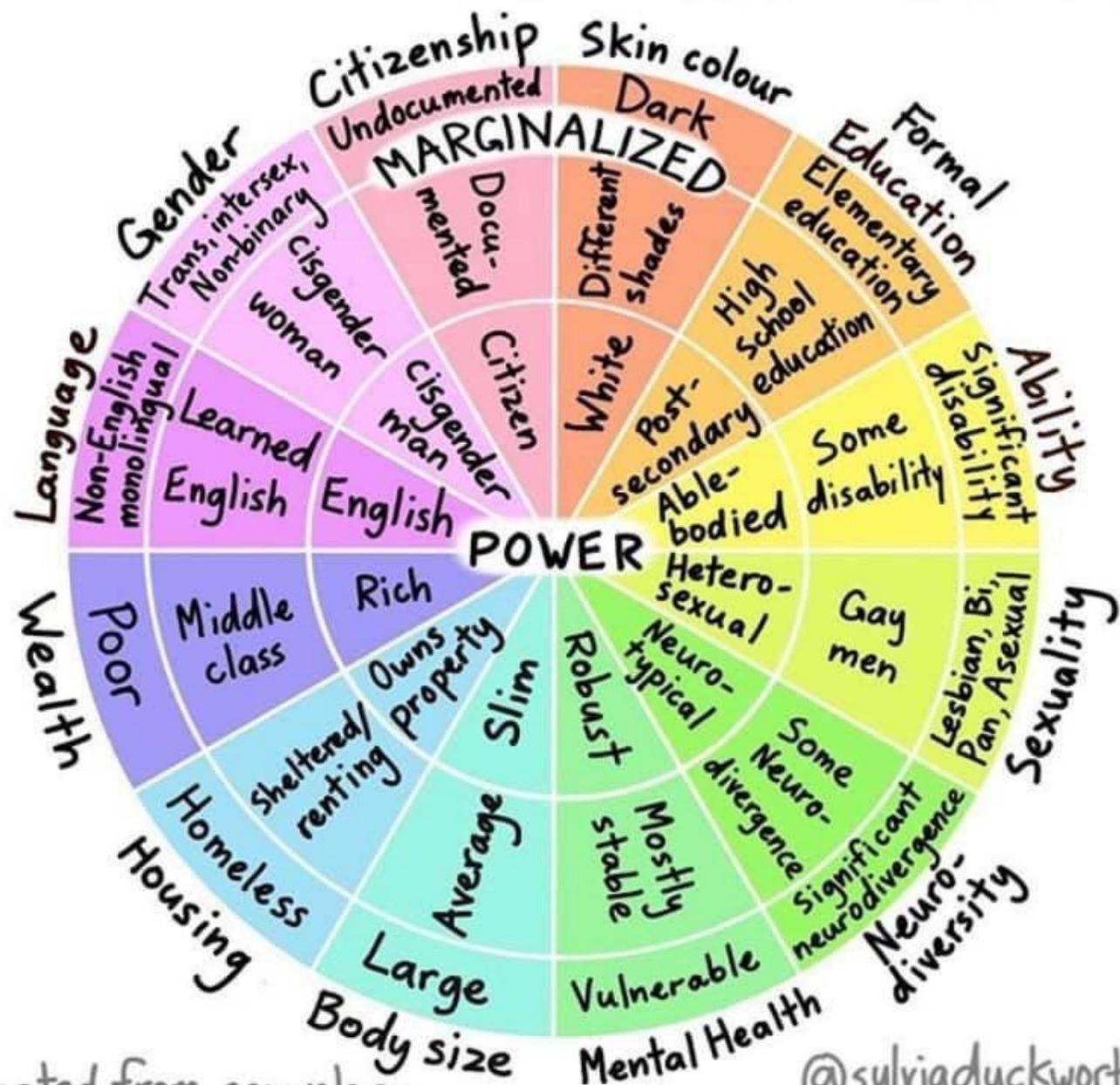
- Kimberlé Crenshaw -

Note the phrase (quoted from Crenshaw): “...everyone has their own unique experiences of discrimination and privilege.”

Yes, indeed, now we can all experience the thrill of condescending to others because we are—each and every one of us—oppressed in our own unique and special ways.

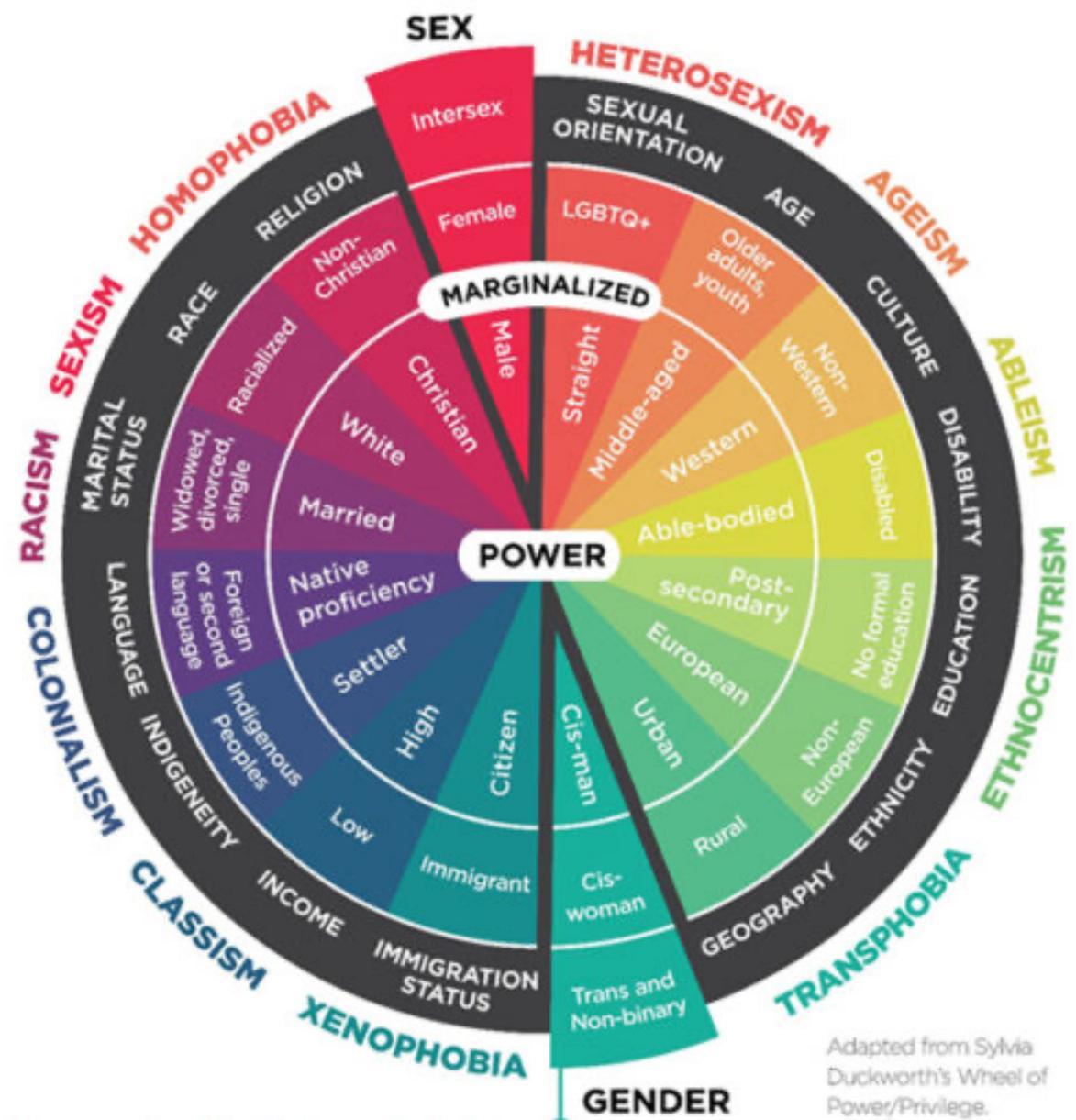
***Old, bald, white guys of the world, unite!***

# WHEEL OF POWER/PRIVILEGE



Adapted from ccrweb.ca

@sylviaaduckworth



Adapted from Sylvia Duckworth's Wheel of Power/Privilege.

Some gender identity terms include:

Agender	Genderfluid	Gender neutral	Transgender man
Bigender	Genderqueer	Non-binary	Transgender woman



A stray point I raise here only to drop it and move on...

There is, predictably, a **not-so-technical, and brutally political**, point that emerges in the latter sections of Crenshaw's article (which is, in fact, why her work became so important). It is centered on the race/sex intersection.

**“Feminism”** prior to 1989 had been, pretty much, synonymous with **“affluent white (and often racist) feminism.”** Also, in the “real” world, the major benefactors of affirmative action had, indeed, been **affluent white women.**

This caused a **real crisis in academic Women's Studies departments** through the 1990s and, also, the formation of all sorts of “intersectional” departments in the universities of the Anglosphere ever since.

Having spent some time worrying about the **C** in **CRT**, all of this stuff about **intersectionality** ought to raise worries about the **R**. In applying CRT, is one committed to intense analyses of **all the intersections** just mentioned?

Khiara Bridges (and others) have expressed some concerns about all **CRT** discussions devolving into a sort of “Oppression Olympics” where, one supposes, entrants compete to see who gets the most medals for being downtrodden in different kinds of ways.

In her book *Critical Race Theory: A Primer* (2018), Bridges lists the following forms of “Crit” Theories that must mesh or mash with CRT:

**LatCrit**

**APACrit**

**QueerCrit**

**TribalCrit**

**ClassCrit**

**DisCrit**

**Critical Race Feminism** (which is already a mash)

Other writers have come up with “**WhiteCrit**”

(But, unlike the other “crits,” WhiteCrit, of course, is about *criticizing the subject class*, i.e., whites—often by linking up with dubious social science about “**implicit bias**” and increasingly lucrative commerce in “**white fragility**” training camps.)

All this aside, there is a real concern (expressed by Curry and others) that ***the whole issue of race is being watered down*** by the intrusion of every other possible disadvantage sufferable in America. With it, is a worry that ***CRT has become an utterly unfocused movement*** bound together by nothing more organized than a general sense of political correctness or woke-ness.

The right wing is, of course, quite happy to categorize CRT as just that. ***(Recall, once again, Claim 1. from the beginning.)***

All of this, in turn, might cause one to wonder, finally, about the **T** in **CRT**:

Is there *really* anything left of CRT that is at all *really* “**theoretical.**” The point of a theory is to explain something about facts. If you don’t *really* believe in “*facts*” (as many, if not most, current defenders of CRT don’t) then what do you need any theories for anyhow?

Crenshaw has, perhaps, made things worse by saying that **CRT** “**is a verb**” or “**a prism.**” This winds up making CRT sound like more of a **fluid political action plan** than an explanatory model of anything.

**That plan:** find racism, sexism, genderism, ableism, lookism, etc., etc., everywhere, in everything and in everybody. And, if you can't find any *explicit* bigotry then search for “*implicit bias.*”

**Again, the right wing will happily adopt this caricature and, just as happily, produce all of the empirical literature on the unreliability and invalidity of the IAT (Implicit Attitude Test).**

So, finally, to summarize:

1. **The right wing is wrong** in thinking that CRT is a commie plot to make white people feel guilty.
  - The kind of communism that can be associated with CRT is inconsequential.
  - Manufacturing white guilt is, under Bell's theory anyhow, probably pointless. It will not significantly dent systemic racism. (But, some variants of post-Bell, postmodern, intersectional CRT may make the right wingers more reasonable on this score.)
  
2. **The left wing is wrong** in thinking that CRT is a difficult and technical theory discussed only in law schools and grad schools.
  - There is nothing very technical about CRT; it is, often, just sophomoric nihilism and generalized woke-ness.
  - There is no reason to think that there is anything to CRT that could not be taught at middle school level.
  - In many of its current iterations, CRT isn't even a real theory (let alone a difficult and technical one). It is a political action plan: Go forth and find racism and all of its intersections everywhere. (Not that there's necessarily anything wrong with that—as long as you have your *facts* straight.)
  
3. **The right wing is right** in thinking that there *is* something pernicious about CRT.
  - Bathing school children and undergraduates in the intellectual laziness of postmodern nihilism and anti-"scientism" is culturally and economically corrosive, shallow, immoral, unjust and quite likely to discourage women and minorities from pursuing degrees in intellectually and financially rewarding areas in science and technology.
  - However, since postmodern nonsense will discourage students from trying to find any wisdom in serious philosophy, actual history, real social science or any other of the liberal arts, it may just kill itself—by helping to kill the liberal arts.
  
4. **The left wing is right** in thinking that the right wing is wrong—*really* wrong, about lots of things.
  - Which entails a rejection of a lot of what passes as CRT. Leftists ought to hold most of it at arm's length—even at the risk of being tagged as politically incorrect. Postmodernist nihilism, after all, did not originate in Africa, Asia or Navajoland—it came from Germany.

# CRT in 12 easy-to-follow steps:

