

## Critical Race Theory: The Intersectionality of Race, Gender and Social Justice

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### Abstract

*Critical Race Theory emerged in the mid-1970s and has its origins in the Legal Critical Studies and the Civil Rights Movement of the 1960s in the U.S. Legal scholars scrutinized how law upheld the white privilege, regarding race, gender, class, and social justice, rather than following the principles of law. Critical Race Theory also draws from critical theory, post-colonialism, continental social, and political philosophy, and feminism, which in turn, gave rise to Critical Race Feminism; LatCrit; AsianCrit; and Queer RaceCrit theories. This paper gives an overview and discusses the evolution of Critical Race Theory: its basic premise; the main themes; and some notable fiction and non-fiction works that operationalize the theory. Finally, it concludes that Critical Race Theory may be a specific framework meant particularly for Afro-American Studies in the U.S. but it can be appropriated and used as a methodological and theoretical tool kit for inquiry in any geographical and literary context.*

**Keywords:** Critical Race Theory, Intersectionality, Race, Gender, Social Justice

### Critical Race Theory: Establishing the Premise

The Critical Race Theory or CRT is an essential paradigm for all those scholars who believe in engaging with marginality issues like race, class, gender, sexuality, ethnicity, religion, and age, to name a few. In fact, this theory looks into the dialects of visibility vs. invisibility of the marginalized groups. CRT oriented writings prove that the race and gender dyad is a more complicated process than it appears to be; proving the multidisciplinary and intersectional approach as a helpful tool kit for deconstructing social power dynamics to achieve equality and equity. In this paper I give an overview of Critical Race Theory and discuss the evolution of this theory: its basic premise; the main themes; and some notable fiction and non-fiction works that operationalize the theory. Finally, I conclude that Critical Race Theory may be a specific framework meant particularly for the Afro-Americans in the U.S. but it can be appropriated and used as a methodological and theoretical tool kit for inquiry in any geographical context. As such, this paper looks at introducing Critical Race Theory as a theoretical approach only and has only been explained as a theoretical concept which can be used as a foundational framework for research in the fields of literature, anthropology, and sociology, to name a few.

Critical Race Theory emerged in the mid-1970s and it began with the legal scholars. It emerged partly from Legal Critical Studies (CLS) and the civil rights movement of the

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1960s in the U.S. These legal scholars scrutinized how law upheld the white privilege, regarding race, gender, class, etc. because of its power dynamics rather than the principles guiding the law. As such, many legal decisions were based on racial discrimination rather than judiciously just observations. Besides Critical Legal Studies, CRT largely depends on critical theory, post-colonialism, continental social and political philosophy, and feminism (particularly feminist jurisprudence), which in turn, gave rise to Critical Race Feminism (CRF). Additionally, other offshoots of CRT besides CRF include LatCrit, which emphasize Latino and Latina concerns, AsianCrit, which looks at marginalizing issues faced by and within Asian communities, whereas gay and lesbian scholars are developing Queer RaceCrit theories, respectively.

Critical Race Theory utilizes many methodologies and has a number of key theoretical underpinnings. CRT writings focus on some of the following major themes:

- Racism should be understood as a social and not as a biological construct.
- A critique of liberalism, that is, equality for all.
- Essentialism and anti-essentialism.
- Legal institutions; critical pedagogy; and minorities' discriminatory status in the courts.
- The intersectionality of race, gender, sexuality, and class.
- Criticism and self-criticism.
- Use of biographies, autobiographies, stories and counter-stories by employing humor and satire.
- The praxis of CRT.

However, one of the major criticisms levied against CRT writings is that the theory needs to be more fleshed out and the papers that are written with the CRT approach are shorter compared to other writings in the academy.

The three main concepts or ideas coming out of Critical Race Theory which can form the basis for literary, anthropological and/or sociological inquiry are:

1. The role of law in dispensing and upholding/ending racial discrimination at the judicial and civil levels.
2. The intersectionality of race, gender, sexuality, and class.
3. The use of fiction, non-fiction, and autobiographical narratives used for showing racial oppression, discrimination, self-reflection, and suggestive methods for possible solutions aiming at achievable and sustainable equality.

However, another thing that makes this theory workable in our local setting is that sometimes within different geographical locations race can also be translated into ethnicity. Thus, race and ethnicity can sometimes be used interchangeably or synonymously though scholars have different opinions in this regard.

## **Some Major Themes: Race, Gender, and Social Justice**

### ***Law and the Role of Legal Institutions in the U.S.***

Since the CRT developed as an off shoot of Critical Legal Theory (CLT) therefore a critique of the law and legal institutions is one of the dominant themes of CRT. In the United States the judicial system apparently has quite a long history in defining and re-defining the meaning, traits, and understanding of how diverse people are differently categorized according to their race; sometimes further developing and facilitating the stereotypical images of certain groups. Neil Gotanda (2000) skillfully depicts that the U.S. legal and constitutional system in particular; the government and other structural systems in general, encourage and use color-blindness as its modus operandi. However, for Gotanda (2000) the very notion of color-blindness is ironic because it subtly suggests the recognition of race discrimination in the first place only to be able to turn a blind eye (or eyes!) to it later (pp. 35- 36).

Therefore, the color-blindness in fact ‘fosters white racial discrimination’ (Gotanda, 2000). And to this effect Bell (2000) reiterates the function of discrimination. He believes that racial discrimination facilitates exploitation of black labor; denies access to opportunities; and use it as tool for exclusion to assert inferiority of the victims (p. 71). Bell (2000) further explains that white supremacy, especially the socio-economic status of the whites, acts as a catalyst for them to “negotiate policy differences, often through compromises that sacrifice the rights of black” and those whites who do not enjoy a high socio-economic status simply assert their supremacy “by an unspoken but no less certain property right in their “whiteness”.

Legal matters become even more complicated when race and social justice intersect with gender, especially with reference to sex discrimination. Crenshaw (2003) explicates this idea by, taking into account race and gender, stating that discrimination against a white female is considered standard sex discrimination claim but anything apart from this is a hybrid claim of sorts (p. 26).

Therefore Arriola (2000, p. 323) also suggests that law should take into consideration the interrelated factors that create complex patterns of discrimination that effect social identities. As such, Arriola (2000, p. 322) aptly says that the “courts should acknowledge the multiple forms of oppression that stereotypes often render invisible” for the smooth functioning of a genuine color blind and truly just legal system to operate.

### ***The Intersectionality of Race, Gender, Sexuality, and Social Justice***

One of the foremost themes of CRT is the intersectionality of race, gender, sexuality, and social justice. In other words, the main aim of CRT scholars and writers is to familiarize the readers and the society at large that no phenomena and/or relations: social, culture, political, gender, or circumstances are a product of sole or independent actions. All human beings are interdependent and thus the societal problems arising as a consequence are also interdependent. Therefore, race, gender, sexuality, ethnicity, religion, health, education and the social justice system cannot be studied in isolation. All these

phenomena are intersectional reproducing intersectional consequences both good and bad. All the work done with a CRT lens explores this intersectional approach and explores it well to assert that the CRT framework is a necessary tool kit especially for social and anthropological inquiry.

Since time immemorial the search for identity has been and still is an important topic for inquiry. With the new territorial conquests, technological inventions, and academic achievements the definition of identity has become fluid and altering and the intersectional framework of CRT plays its role here as well. As such, Arriola (2000) believes that identity includes convergence of many factors like race, religion, sexual orientation, nationality, ethnicity, age, class, ideology, and profession. In addition these intersectional variables constantly change and/or become prominent according to contexts (p. 323).

The intersectionality of race, gender, class, sexual orientation, etc. can cut across each other in various combinations depending on one's setting and context. A similar idea is echoed when Delgado (2000) affirms, "White feminist theorist base many of their insights on gender essentialism—the idea that women have a single, unitary nature" (p. 253).

For example, the intersection of race, gender and social justice is evident in Cho's (2003) article *Converging Stereotypes in Radicalized Sexual Harassment: Where the Model Minority Meets Suzie Wong*. In this article Cho shows that due to established racially gendered stereotypes, especially through popular media, Asian Pacific American women are considered passive, submissive, obedient and servile. Therefore, in this article Cho uses two cases to show that Asian Pacific American female faculty was subjected *quid pro quo* and hostile environment forms of harassment.

An effective intersection of race, sexuality, class, health and the law is evident in Goodwin's (2003) *Gender, Race, and Mental Illness: The Case of Wanda Jean Ellen*. Allen was convicted of first degree murder for killing her partner and she died (or was killed) by lethal injection in 2001. Goodwin (2003) clarifies why discriminatory behavior was meted out to Allen by emphatically stating:

Allen possessed a host of "bad" markers or social characteristics. Commentators suggested that her awkward positioning in American society affected not only how she lived, but also how she would die. She was black, gay, female, poor, and retarded (p. 229).

Goodwin suggests that had Allen not been abandoned by her community and discriminated against by the law perhaps the outcome of her trial could have been different.

Similarly Hutchinson (2000) in *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse* Race brings forth the case of Julio Rivera, "a 29-

year old gay, Puerto Rican male” who was murdered in New York. One of Rivera’s murderers, a white supremacist, later confessed that they killed Rivera “because he was gay.” But Hutchinson also adds that Rivera’s death also offered intersecting issues of race, class, sexual marginalization; omitted from political discourse. Gay and lesbian activists objected to police’s refusal to acknowledge it as an anti-gay crime and instead insisted that the crime was drug related (p. 326).

This article aptly demonstrates the multiple intersectional range as sort by CRT scholars and researchers. Valdes (2000), highlighting the intersectional approach of CRT in *Sex and Race in Queer Legal Culture: Ruminations on Identities and Interconnectivities*, also reiterates that “Sexual minority communities are, in fact, thoroughly racialized and sexualized” affecting and infecting communities (p. 338).

Sometimes the intersectional approach can achieve a more nuanced stance, for example, when race, sexuality, culture, class, and desire overlap. This multiple intersectional position is vividly presented in Murray’s (1999) article *laws of desire? race, sexuality and power in male Martinican sexual narratives*. Murray argues that Martinican hetero- and homosexual men’s narratives about desirable sexual partners determine the normative mode of masculinity. And Murray concludes that the ever-unresolved relationship between the individual and culture is evident in the fact that individual tastes are bound up in complex personal histories that cannot be reduced to single causal cultural factors (pp. 160, 170).

Goldstein (1999) also elucidates the intersectionality of race, gender, class, and desire in “*Interracial*” *Sex and Racial Democracy in Brazil: Twin Concepts?* Goldstein clearly examines:

One particular fantasy [of being able to ‘catch’ rich, old, white men] of interracial sexuality among low-income, dark-skinned women living in shantytowns of Rio.... In Brazil’s carnivalization of desire, the ideal representation of the mulata is eroticized, exoticized, and celebrated while real women of color are kept away from mainstream economic development (p. 572).

The intersectionality of race, gender, and class is further complicated with the addition of yet another variable, that is, religion. Hibri (2001-2002, 2003), talking about the status of women in Islam, their respective cultures, and living in the U.S. brings forth this intersectional relationship of gender, ethnicity, religion, and culture in a plausible manner. She encapsulates that religion may not be a problem per se but the interpretation of religion, mostly done by men, makes it a patriarchal institution beneficial for a few and extremely difficult for women. Hibri (2003) says, “It is well understood that the hallmark of Islam is justice. Yet Muslim societies have been dispensing injustices to women in the name of Islam” (p. 375).

***The Art of Narration: Storytelling and Autobiographical Reflexivity***

A very interesting theme of CRT is the use of the narrative method, in the form of autobiography, storytelling and counter-storytelling, to illustrate the intersectional framework through which CRT operates. This mode of expression is not only adopted by novelists, poets and/or fiction writers per se but it is a method very well adopted by CRT scholars, academics, and activists as well.

W. E. B. Dubois is a name that carries a lot of weight as a scholar, writer, and activist. Among Dubois' other works *Dusk of Dawn* (1990) is good example of non-fiction writing; a combination of autobiography, biography, and research inquiry. Dubois describes the concept of race (researched inquiry) through using the experiences of his family and his own personal experiences (biographical and autobiographical, respectively) as the data to explain the meaning of race.

James Baldwin is yet another writer who imperceptibly interweaves autobiographical and personal experiences with social and racial elements. As in *Princes and Powers* (1985) Baldwin apparently explicates the proceedings of the conference of Negro-African Writers and Artists held in 1956 in Paris. But very adeptly Baldwin shows the relationship between colonization and culture; the role of law in culture; the role of religion; and the role of technologically advanced Black Americans.

Zora Neale Hurston's *I Love Myself When I'm Laughing* (1979) is another great anthology consisting of autobiography, folklore, essays, articles, and fiction which are narrated so seamlessly that any reader, academic and non-academic, can see the paradigms set by CRT. For example Hurston (1979, p. 152) reaches out to a large audience or readers when she says, "Slavery is the price I paid for civilization, and the choice was not with me." A little later, Hurston (1979) emerges with a confident and self-certain voice:

Among the thousand white persons, I am dark rock surged upon, and over swept, but through it all, I remain myself. When covered by the waters, I am; and the ebb but reveals me again (p. 153).

The use of fiction in exposing the intersectional approach of CRT is also a powerful tool to bring about consciousness among people. Dubois' *The Comet* (1920) and Bell's *The Space Traders* (1992) reiterate discrimination based on race, gender and even citizenship. Whereas, Schuyler's *Black No More* (Excerpt From The Novel) (2000) also shows the impatience of a black man with his blackness; his aspiration to get white which would in turn mean access to space(s), money, and the love of his life—all at the cost of giving up his identity. This piece also shows how people from other races are also willing to become white—the privileged class.

Junot Diaz's *The Brief Wondrous life of Oscar Wao* (2007) is also an extremely apt example of the intersectionality of race, ethnicity, gender and power dynamics both in America and South America. In a similar vein, Jhumpa Lahiri's *Unaccustomed Earth*

(2008) is a fine collection of short stories that bring out intersectional themes of familial conflicts between immigrant Indian Bengalis and their coming of age children in the U.S. This in turn exposes the readers to larger intersectional concerns of cross-cultural marriages, class issues, mother tongue acquisition and retention, gender dynamics, etc. The note worthy thing about both Diaz and Lahiri is that they are not CRT scholars or writers yet their work demonstrates that the CRT framework fits so aptly into any social and cultural setting; the intersectional approach is a practical and powerful tool that can be used for deconstructing social issues in any setting. The reason being that intersectionality of cross-cutting variables like race, gender, class and social justice systems constantly shape and re-shape ideologies and thus identities.

### **Conclusion**

Critical Race Theory (CRT) approach is a useful tool kit even for the non-CRT researchers because no social science oriented research can ignore the complex matrix of race, gender, class and social justice system(s). In fact CRT's emphasis on the intersectionality of race, gender, sexuality, class, justice system etc. enables one to see the issue of discrimination holistically.

Narration, both fiction and non-fiction provides space for self-reflexivity and enables the readers, Blacks in particular and others in general, to be able to personally relate to the events and circumstances. Even in the fiction pieces the reader does not feel being a part of some fantasized world but finds himself or herself in a reality of sorts which he or she can humanly and realistically identify with. Besides, the advantage of fiction writing is that it is accessible to a larger number of readers. And the comparatively shorter research articles of CRT make it an easy, less time-consuming, and an enjoyable read.

One of the major critiques levied against CRT research articles within the academy is that they are comparatively shorter when compared to other research writings. Although CRT related articles and essays maybe short but they are concise which in turn makes them simple, comprehensive, focused, and thus these articles and essays manage to retain the readers' interest and attention.

CRT approach, particularly its emphasis on the intersectionality of variables such as race, gender, and class are helpful paradigms for any socio-cultural, anthropological, and political projects. Besides, the role of law and legal institutions in defining and re-defining racial and gender discrimination further aid as a method of research inquiry. CRT also enables one to see that in certain geographical locations and points in time race can be translated into ethnicity and sometimes both can be used synonymously and thus interchangeably. Last but not the least, CRT scholars' strong passion to achieve equality and equity is apparent. Audre Lorde (2007) once concerned about voicing her own "silence" into action, in a paper, read at an MLA conference in 1977, stated:

Tell them about how you're never really a whole person if you remain silent because there is always that one little piece inside you that wants to be spoken out, and if you keep on ignoring it, it gets madder and madder and hotter and

hotter, and if you don't speak it out one day it will just up and punch you in the mouth from inside (p. 42).

This quotation sums up the passion that the CRT framework inculcates in those who are new to the field and flourishes the passion further into those who are its initiators, new followers, or non-American Blacks. Having a humanly universal appeal, with some cultural appropriation this theory can be used as a methodological and theoretical framework for inquiry in any ethnic and geographical region.

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