

ON
CRITICAL
RACE
THEORY

*WHY IT MATTERS &
WHY YOU SHOULD CARE*

VICTOR RAY



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CHAPTER 1

THE SOCIAL CONSTRUCTION OF RACE

The black man is a person who must ride "Jim Crow" in Georgia.

W.E.B. DU BOIS¹

If men define situations as real, they are real
in their consequences.

WILLIAM I. THOMAS AND DOROTHY S. THOMAS²

RACE IS A COLLECTIVE HALLUCINATION

Race is a political and social category, not a biological one. As a political category, the concept of race (falsely) attempts to homogenize and array groups on a hierarchy of superiority and inferiority, variously justified by science, custom, or law. In the language of social science, the shorthand for this categorization and differentiation is that race is a social construction. Seeing race as a social construction turns mainstream ideas about race on their head. Social construction is anti-essentialist, assuming there are no meaningful biological differences between groups, and thus there are no inherent qualities confined to any socially de-

defined racial group. Social construction is a potentially liberatory idea that recognizes that all racial groups display the full human range of emotions and intelligence. No group is inherently oppressive or likely to hold a monopoly on truth, beauty, or knowledge.

Rather than an eternal, unchanging, and essential identity, race is contextual, malleable, and unstable.³ Racial classifications have changed dramatically over the course of U.S. and world history: racial categories vary across societies and between regions within societies. Many individuals have even moved from one racial classification to another over their lifetimes. Because racial categories are unstable, law and social policy have repeatedly attempted to pin them down by citing proportions of "blood" or "ancestry," examining hair texture and skin tone, or even customs and culture.

When confronted with the idea that race is a biological fiction, some conclude race should be abandoned as a way of categorizing people and understanding social inequalities.⁴ The reasoning behind the urge to abandon race is *superficially* compelling (see the THERE IS ONLY ONE RACE, THE HUMAN RACE bumper sticker). If race is a collective hallucination (and it is), then why should scholars use it to describe people or differences between groups? If racial categories don't correspond to an underlying essence, then what are they describing?

It's tempting to hope that abandoning race as a descrip-

tive category will lead to a post-racial utopia. But the belief that dropping racial categories will lead to transcending racial inequality relies on a basic misunderstanding of what social construction means. Those who advocate for colorblind approaches often presume that race-based inequalities will magically disappear if social scientists and governments stop cataloging and start ignoring them. But the experience of countries like France, whose republican ideology eschews identity categories ("We are all French") and bans the state collection of data on race, shows that officially ignoring and disregarding racial categories doesn't make inequalities disappear. Despite officially colorblind state policy, France exhibits racial inequality in labor markets and education, and institutionalized discrimination against its Muslim population.⁵ Calls to ignore race, in practice, often mean ignoring racial inequality.

Social construction isn't synonymous with "not real." Seeing social constructions as not real, and therefore ignorable, is a common misrepresentation of the terminology (not coincidentally, this misrepresentation often comes from people opposed to interventions that would alleviate racial inequality). People acting on ideas can greatly impact our reality, even if those ideas bear only a dubious connection to truth. For instance, QAnon conspiracy theorists, who believe a gang of Satan-worshipping child-sex traffickers controls U.S. politics and media, have done quite a bit of damage despite their ideas having no correspondence to

reality. False ideas inspired an adherent of Pizzagate (a precursor to QAnon) to grab his AR-15 and raid a pizza parlor, hoping to interrupt a nonexistent child-trafficking ring.⁶ And false ideas propelled QAnon members' participation in the January 6, 2021, Capitol insurrection, threatening American democracy.⁷

Currency is a good example of how social constructions work to connect communally agreed upon abstractions to substantively important outcomes. Money relies on collective faith in a shared set of beliefs about exchange, value, credit, and legal enforceability. These shared beliefs shape behaviors from working to paying bills. Beliefs about money shape concrete actions, including sanctions should individuals try to avoid agreed-upon commitments. Telling a mortgage lender that you no longer share their faith in the value of this exchange, and are stopping monthly payments, would leave you homeless. Telling a loan shark you don't plan on honoring your financial arrangements might leave you legless. And the collective belief in the value of money helps to coordinate actions globally. The computer I'm typing this on is composed of parts from around the world that were assembled for profit.

Just like the collective belief in currency, shared ideas about race shape social relationships, at scales ranging from our local neighborhoods to the global division of labor. Race is biologically insignificant, but it doesn't follow that

it is *socially* insignificant. Race is politically and socially real because, as with currency, people have imbued the concept with a value.

Seeing race as a social construction is different from arguing that there are no phenotypic or genetic differences between people. Rather, social construction means that these superficial phenotypic differences are less important than the social, economic, and political meanings that racial categories have historically been assigned. Critical race theorists have repeatedly shown how laws have discounted phenotype in favor of maximally restrictive racial categories. Collective beliefs about race rely upon (and reinforce) a set of ideas about the relationship between arbitrary physical characteristics, the geographic origins of our ancestors, and the relative worth of human bodies. Once people shape their behaviors around the fake news that race is a biologically meaningful category (or other social constructions) for long enough, these ideas can have real political consequences.

RACIAL CATEGORIES ARE REFLECTIONS OF POWER

The idea that race is a biological reality is a pervasive and powerful myth. Yet genetic, social scientific, and historical evidence all confirm the idea that race is a social construction. Announcing in 2000 the draft results of the Human Genome Project, which sought to map and categorize the

full range of human genetic variation, President Bill Clinton said, "One of the great truths to emerge from this triumphant expedition inside the human genome is that in genetic terms, all human beings, regardless of race, are more than 99.9 percent the same."⁸ In the decades since the human genome was mapped, scholars have confirmed that population genetics do not support commonsense ideas about biological races.

Even genetic testing companies, whose business model relies on selling a connection to one's forebears, admit their products can't tell people what racial category they belong to, because genetic distributions and socially defined races diverge. Genetic testing companies provide a broad probabilistic—not definitive—estimate of one's ancestry. But genetic ancestry and socially defined racial categories don't always correspond. Racial categories do not map onto the underlying genetic differences between groups typically categorized as "races." If people were divided according to these underlying distributions, the categories would look very different from the racial classifications we use in the United States. For instance, the U.S. census's current racial classification system divides people into six possible racial categories, including "Other." While many people assume the census's racial categories reflect biological differences, the census has changed its classifications repeatedly, adding or subtracting categories in response to social movements or racist panics.⁹ According to the present classifica-

tion system, sub-Saharan Africans and Australian Aborigines are considered Black. But these populations are further apart genetically than any others on earth.¹⁰ Moreover, ancestry testing companies rely upon proprietary algorithms, meaning analyses from different companies sometimes disagree.¹¹ Even the seemingly objective results of genetic testing are open to interpretation and influenced by preexisting beliefs about one's racial identity. When people receive the results of these genetic tests, respondents sometimes reject findings that don't comport with their aspirational identities.¹²

The commonsense notion of race as a biological category started breaking down in the 1930s and early 1940s, as anthropologists and sociologists increasingly questioned the concept's scientific validity. Challenging the era's eugenics movement, these scholars showed that racial categories were incoherent and scientifically indefensible. Columbia University anthropologist Franz Boas, often considered the founder of modern anthropology, argued that culture, not race, explained differences between groups. Boas and his colleagues challenged scientific racism by showing that researchers were unable to agree on the basic features that supposedly constituted racial groups. These culturalists "delighted in pointing out the discrepancies in between them [racial classifications], showing that scientific racists could not agree on such seemingly simple matters as how many races there were or what criteria—blood, skin color, hair type—best indicated race."¹³

Racial disparities in social outcomes don't imply biological differences. Boas pointed out that eugenic scientists wrongly attributed to biology inequalities that were better explained by unequal social conditions. It is, after all, unsurprising that life expectancy and educational attainment were lower among groups who were systematically denied equal access to healthcare and education by state-sponsored segregation. Eugenicists who attributed differences in life expectancy and literacy rates to biology were laundering social prejudices through scientific jargon, by *providing a defense of and justification for* racial inequality, not an explanation of underlying causes.

W.E.B. Du Bois, who saw Boas as an intellectual ally, also argued that race was a fundamentally political relationship. Modern racial classifications were invented, in part, to justify colonialism and slavery. That is, racial categories didn't arise to explain difference; instead, racial categories used arbitrary physical differences to justify exploitation. Structural racism created race. Like Boas, Du Bois explained the conditions of Black people in America by pointing to our history of racial exploitation and exclusion. Du Bois also highlighted the utility of America's absurd racial classification system, arguing that whiteness was a recent political invention grounded in material inequality, whose creators believed they were entitled to global dominion.¹⁴

America's history of racial categorization can't be sepa-

rated from its specific form of hereditary slavery. Critical race theorists show that U.S. laws defining racial categories were designed to monopolize the privileges associated with whiteness. Enslavers feared losing a valuable investment: their own enslaved children, who were often conceived through sexual assault. If the children of these sexual assaults were classified as white, they would undermine the institution of racial slavery and the economic interests of their enslavers. Prizing money over the familial bond, enslavers created a legal regime ensuring that a child's racial classification followed the mother's. This social classification system incentivized sexual assault and marked enslavers' own children for hereditary, perpetual bondage.¹⁵

Anxieties surrounding sex, economics, and racial mixing didn't disappear after slavery. Following abolition, the United States' one-drop rule of racial classification (also called "hypodescent") was designed to protect the economic interests that underwrote Jim Crow and assuage fears about passing. According to the sociologist F. James Davis, by 1920 the United States developed a historical innovation in racial classification, decreeing that one's race didn't automatically follow that of one's mother or father. Any black ancestry made one legally black. The United States remains the only place where racial classifications exhibit the rigidity of hypodescent. For instance, Brazil's racial classification system relies more heavily on skin tone, so siblings who are light- and dark-skinned may get differ-

ent legal classifications. Under South Africa's apartheid system, nonwhite people who got better educations, had good jobs, or lived in "good" neighborhoods could, on rare occasions, be reclassified as white (the Brazilian colloquialism "Money whitens" captures this dynamic).¹⁶ Even the Nazis, when attempting to define who counted as Jewish under the Nuremberg Laws, rejected the American one-drop model of racial classification as "too extreme."¹⁷

Critical race theorists show that the many legislative attempts to pin down the elusive factors of "race" make the incoherence of racial categories more apparent. Law has always shaped, and often determined, a person's racial categorization and the rights attendant to category membership. Yet legal classifications of race are no less contrived than scientific ones. During the eugenics movement, fears of miscegenation led states to enact laws barring interracial marriage. Although the one-drop rule of racial classification was a broadly shared consensus across the United States and was repeatedly upheld by courts, many states developed local classification systems.¹⁸ However, these local racial definitions were equally unstable, even as they were being encoded in the law. The incongruity between state classifications led to absurdities. Would crossing state lines mean crossing racial categories if a person with one-eighth Black "blood" entered a state that classified people with one-quarter as Black?¹⁹ Sociologist Michael Omi shows how this incoherence affected Susie Guillory Phipps, who

had lived her entire life believing she was white. At forty-three, Phipps discovered that she had been classified by a midwife as "colored" on her birth certificate. Phipps sued to be reclassified but in 1986 the state of Louisiana ruled that her "great-great-great-great" grandmother's enslavement meant Susie was not entitled to whiteness.²⁰

If racial categories were natural categories, legislation policing racial boundaries would be unnecessary. From a scientific perspective, the incoherence of racial categories is a weakness, undermining claims about the connection between biology and outcomes. But for political actors, malleable racial categories are a strength, as the boundaries of inclusion and exclusion can expand or contract according to the needs of the powerful. This selective incorporation of racialized groups has happened repeatedly throughout U.S. history, as groups once considered undesirable, such as Irish and Italian Americans, were gradually absorbed into whiteness.²¹

A belief in the biological reality of race has led to some of humanity's greatest tragedies. Eugenic thinkers plied a misunderstanding of genetics and human reproduction into politics and policy, both in the United States and internationally. In the United States, ideas about the innate inferiority of nonwhites and "mentally unfit" whites led to laws and social practices that are now seen as atrocities. Eugenic thinking was used to justify the involuntary sterilization of thousands of Black, Native American, and Puerto Rican

women. Forced sterilization was often carried out without informed consent on unsuspecting women, who believed they were receiving routine medical care. These violations were so common that they were described euphemistically as "Mississippi appendectomies."

The legendary Mississippi activist Fannie Lou Hamer's movement into politics was partially galvanized by her sterilization during "what was supposed to be a minor procedure" to remove a tumor. Hamer confronted the doctor who violated her by destroying her ability to have biological children. But she realized attempting to pursue justice as a Black woman in the Jim Crow South would be, as she put it, "screwing tacks into my own casket."²² From a modest background (her parents were sharecroppers) and without a strong formal education, Hamer nonetheless became a force in national politics, helping with voter drives in the South as a field secretary for the Student Nonviolent Coordinating Committee and establishing the National Women's Political Caucus with Gloria Steinem and Shirley Chisholm. Hamer's experience shows the long reach of eugenic thought, and the power white doctors wielded over Black women in the Jim Crow South.

Despite their name, these so-called Mississippi appendectomies were not restricted to the South. Dorothy Roberts found that up to one-third of women of childbearing age had been sterilized in Puerto Rico by 1968. Sterilization wasn't limited to the island; Roberts quotes a New York

City director of obstetrics and gynecology who claimed, "In most major teaching hospitals in New York City, it is the unwritten policy to do elective hysterectomies on poor black and Puerto Rican women."²³ Science and law—couched in a discourse of detached objectivity—rationalized eugenic sterilization to rob women of color of their reproductive freedom.

Eugenics targeted people of color, but it was also a misguided attempt to "perfect" the white race through breeding. In his book *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*, Adam Cohen uses the case of Carrie Buck to chart the history of eugenic thinking in American law. Carrie was a white foster child of the Dobbs family, but they treated her more as a domestic than a daughter. After the Dobbses' nephew sexually assaulted Carrie, the family blamed her, and the state placed the child that resulted from the assault with the Dobbs family. To cover up the crime and protect their reputation, the Dobbses had Carrie committed as "feeble-minded" (although this accusation was untrue). Once she had been committed, the state of Virginia claimed that Buck's mother and child were also mentally unfit and moved to have Buck sterilized. Buck fought for her reproductive rights, but the Supreme Court ruled her sterilization constitutional, and the liberal justice Oliver Wendell Holmes justified the destruction of reproductive rights with the infamous quote "Three generations of imbeciles

are enough." American eugenic policy, based on the belief that race is a biologically meaningful category, also had international implications. Cohen claims that "Nazis who had carried out 375,000 forced eugenic sterilizations cited *Buck v. Bell* in defense of their actions."²⁴

The notion that race is a biologically meaningful category is based upon a set of demonstrably false ideas about human bodies—that racial groups are discrete and knowable, that they are relatively unchanging, and that a natural hierarchy exists. This false line of reasoning has justified the taking of land, the theft of labor, state-sponsored segregation into under-resourced neighborhoods and reservations, and genocide. For critical race theorists, social construction means the attention given to physical differences is less important than the political uses for which physical differences provide a convenient excuse. The mythology of biologically meaningful racial differences serves not as a valid explanation for inequality but as an alibi for crimes in progress.

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