

Foreword

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In 1982 I was a graduate student in social science at the University of Chicago. I lived at International House, among a vibrant community of American students from African American, Latino/a, South Asian, and other backgrounds, as well as foreign students from Asia, Europe, Africa, and the Americas. We protested and picketed over sanctions for the South African apartheid regime. We saw Michael Jackson moonwalking for the first time on television. Our black male friends got stopped by the police for looking like members of the impoverished African American community that surrounded Hyde Park. We read books in which feminists attacked Freud and Third World women talked back to First World pieties. And we fought with the university administration over our demands for more programs, more resources, and more support for students of color on campus.

In 1983 I was a first-year law student at the University of Chicago. In my entering class of roughly 180 students, there were four African American students, including myself; one Asian American student; and two Latinos. All of our professors were white, and all but two were male.

Even more disorienting, however, than mere demographics was the fact that the lively discourse on racial-ethnic relations, both domestic and international, was gone. None of my professors talked about race or ethnicity; it was apparently irrelevant to the law. None of my professors in the first year talked about feminism or the concerns of women, either. These concerns were also, apparently, irrelevant. Nowhere, in fact, did the cases and materials we read address concerns of group inequality, sexual difference, or cultural identity. There was only one Law, a law that in its universal majesty applied to everyone without regard to race, color, gender, or creed.

Disoriented and unsure of ourselves, a few of us felt that something was profoundly missing in our education, though we could not articulate what the missing something was. We went outside the classroom to look for it. Some of us went to work for the Mandel Legal Aid Clinic. Some of us successfully agitated to get Professor Catharine MacKinnon, the pathbreaking feminist legal scholar, invited to speak (though not invited to join the faculty). Some of us even succeeded in getting permission for Professor Mary Becker to teach a seminar in feminist jurisprudence (though the dean asked us, somewhat bewilderedly, whether men would be excluded from the reading list). In reading groups we began to explore the literature of critical legal studies. But there seemed to be no critical literature on race and the law.

There was, of course, law that had a lot to do with the lives of some communities of color: poverty law, welfare law, criminal law, immigration law. But there was, seem-

ingly, no language in which to embark on a race-based, systematic critique of legal reasoning and legal institutions themselves. As first-year, then second-year, then third-year law students, we had no inkling of the struggles going on at Harvard Law School over the work and teachings of Derrick Bell or of the few scholars—one coauthor of this book among them—who had begun to apply the tools of critical theory to the law. We finished our legal educations never having found a place where the sophisticated discourse of racial critique in which we lived our everyday lives could enter the legal canon.

Three years after I got my law degree, in the summer of 1989, I was a first-year law teacher invited to attend the first-ever workshop on something called “critical race theory,” to be held at the St. Benedict Center in Madison, Wisconsin. At that workshop, I discovered what had been missing for me as a student. I met some of the people who, by then, had begun to be recognized across the nation as major intellectual figures: Derrick Bell, Kimberlé Crenshaw, Richard Delgado, Mari Matsuda, Patricia Williams. And I discovered a community of scholars who were inventing a language and creating a literature that was unlike anything I had read for class in three years of law school.

As we enter the twenty-first century, critical race theory is no longer new, but it continues to grow and thrive. The community has expanded: scholars not only from the United States but from countries including Canada, Australia, England, India, and Spain now work within the discipline of critical race theory. The literature has grown in

breadth and depth: as this book indicates, not only race-crits but also queer-crits, LatCrits, and critical race feminists seek to reveal and challenge the practices of subordination facilitated and permitted by legal discourse and legal institutions. And, finally, the audience has grown. Critical race theory has exploded from a narrow subspecialty of jurisprudence chiefly of interest to academic lawyers into a literature read in departments of education, cultural studies, English, sociology, comparative literature, political science, history, and anthropology around the country.

That is where this book comes in. Richard Delgado and Jean Stefancic have written a primer for nonlawyers that makes the now sprawling literature of critical race theory easily accessible to the beginner. From the earliest social and intellectual origins of the movement to its key themes and debates to its methods to its future, Delgado and Stefancic offer a lively, lucid guide to critical race theory and a starting place for further reading and thinking. With the help of this book, even students who find their official course reading lists as barren as I did in 1983 will find their way into a rich and important intellectual debate.

Critical race theory not only dares to treat race as central to the law and policy of the United States; it dares to look beyond the popular belief that getting rid of racism means simply getting rid of ignorance or encouraging everyone to “get along.” To read this primer is to be sobered by the recognition that racism is part of the structure of legal institutions but also to be invigorated by the creativity, power, wit, and humanity of the voices speaking

about ways to change that structure. As race relations continue to shape our lives in the new century—setting the stage for new tragedies and new hopes—critical race theory has become an indispensable tool for making sense of it all.

Meanwhile, I've saved my 1989 Critical Race Theory Workshop T-shirt. I'm betting it will be worth something someday.

