The Spirit of Critical Race Theory

Glenn E. Bracey II1

Abstract
An underappreciated aspect of critical race theory (CRT) is its analysis of the intersection of race, law, religion, and spirituality. These topics are of concern to critical race theorists because a complete critique of U.S. law must account for how religion is embedded in the nation’s founding documents and subsequent jurisprudence. Recently, leading scholars have called for a theory that accounts for the codefining quality of race, racism, and religion. I argue that CRT is an appropriate answer to these calls. I demonstrate CRT’s utility by renewing the religion and spirituality-based critique of race law that undergirds early CRT. Then, I discuss the spirituality of CRT, noting its founders’ reliance on Christian tradition and the spiritual claims in its tenets. Finally, I suggest future lines for research and show how CRT speaks to several debates among religious practitioners and academic researchers.

Keywords
critical race theory, religion, spirituality, theology of race, law

W. E. B. Du Bois (1920) describes individuals’ “emotional conversion” (p. 30) to the discovery of personal whiteness as “[w]ave on wave . . . dashing this new religion of whiteness on the shores of our time” (p. 31). Du Bois (1920) continues, “[a]ll through the world this gospel is preaching. It has its literature, it has its priests, it has its secret propaganda and above all—it pays!” (p. 44). Du Bois’s early observations highlight a critical, if undertheorized reality: Race and religion are so intertwined in the United States that one cannot understand the power of one without consideration of the other (Emerson, Korver-Glenn, and Douds 2015). Recently, theorists have called for spiritually conscious race theorizing (Tate 2005). Critical race theory (CRT) has spiritual foundations that make it a potential answer to that call. However, those underpinnings often go unacknowledged, masking CRT’s applicability to contemporary debates. I argue that CRT, properly interpreted and appropriated, offers a deep critique of the imbrication of race and law that accounts for religion and spirituality in both racism and antiracist resistance.

As critical race theorist George Taylor (2006) states, “[t]he perspective of religion or theology offers another vantage point from which to comprehend racism’s workings, a perspective that may in fact offer a ‘deeper foundation’ for understanding racism’s perdurance” (p. 51). Recentering spirituality in CRT addresses two intellectual shortcomings, one in academe and one in society. First, scholarly debates in race and religion research which CRT might help resolve instead persist interminably. Second, and equally concerning, some religious leaders take advantage of CRT’s recent silence around spirituality to attack antiracist Christians who use CRT in racial justice efforts.1

I address these two problems—the lack of explicit discussion about spirituality in recent CRT writings and the underutilization of CRT in religious debates—by renewing the religion and spirituality-based critique of law that undergirds early CRT. I

1Villanova University, Villanova, PA, USA

Corresponding Author:
Glenn E. Bracey II, Department of Sociology and Criminology, Villanova University, 800 Lancaster Ave., Villanova, PA 19085, USA.
Email: glenn.bracey@villanova.edu
do so by demonstrating the implicit Protestantism in legal documents and connecting that religiosity to race. Then, I discuss the spirituality of CRT, noting its founders’ reliance on Christian tradition and the implicit spiritual claims in its core tenets. I conclude by suggesting how CRT speaks to several debates among religious practitioners and academic researchers.

CRT AND RELIGION

CRT developed in the United States in the late twentieth century as a thoroughgoing critique of how race shapes, and is shaped by, law (Crenshaw et al. 1995). This law-centered CRT had two analytical directions. First, it examined the effects of race on aspects of the law, such as jurisprudence, legislation, legal pedagogy, legislation, and enforcement (Crenshaw 1988; Gotanda 1991; Moore 2008). Second, CRT analyzed how law racializes every aspect of social life, such as constructing race (Haney-Lopez 2006); motivating racialized performances (Gulati and Carbado 2003); and limiting practicable rights in sexuality and reproduction (Bridges 2011; Roberts 1999), immigration (McKanders 2012), and privacy (Bridges 2017; P. Williams 1991). Since the 1990s, scholars have extended CRT to a range of disciplines, including political sociology (Bracey 2015), education (Ladson-BillingsTate 2016), philosophy (Jaima 2021), and psychology (Adams and Salter 2011), to name a few.

An underappreciated aspect of CRT is its analysis of the intersection of race, law, religion, and spirituality. Indeed, CRT speaks to both the formal, organized practices of religion and the informal, but culturally prescribed practices, associated with being “spiritual.” Race, law, religion, and spirituality need to be of primary concern to critical race theorists because a complete critique of U.S. law must account for how religion—specifically Protestant Christianity—is implicit in the nation’s founding legal documents and undergirds much jurisprudence. Whites often used religiosity to justify spiritual claims (e.g., that people of color did not have souls) with legal consequences (e.g., whites could possess nonwhites’ land). Although early CRT was attentive to religion and spirituality, in its later development the field lost much of that focus as it emphasized a secular critique of the relationship between race and the law. For example, founding critical race theorists make frequent allusions to Christianity (e.g., Derrick Bell (1987) naming one book after a Bible verse). Even with the move to more secular analyses, critical race theorists continued to premise their work on a rejection of systemic racism because it offends the essential (i.e., spiritual) equality and worth of all peoples (Crenshaw et al. 1995).

Yet recently, leading scholars have called for a theory that accounts for how race, racism, and religion co-construct and reinforce one another. For example, education scholar, William Tate (2005), calls for returning to spiritual roots when analyzing systemic racism. In their review of race and religion research, Emerson et al. (2015) illustrated a need for theorizing that accounts for the interconnection of race and religion while treating both as primary social cleavages. I draw on the early roots of CRT—as a theory of race that accounts for religion and spirituality—to offer precisely such an account.

PROTESTANTISM IN U.S. LAW

Colonial Era

Since colonial days, Protestantism has shaped the U.S. nation-state. American folklore tells of Puritans, a group of conservative Protestants, who crossed the Atlantic in search of religious freedom. Less rehearsed, however, is the reality that colonists often imposed extreme limitations on religious freedom. Less rehearsed, however, is the reality that colonists often imposed extreme limitations on religious freedom, sometimes enforcing doctrinal orthodoxy through banishment.

This commitment to denominational orthodoxy simultaneously constrained Europeans and condemned Native Americans, whose religious traditions Europeans deemed sinful (A. Smith 2005; R. A. Williams 1989). Connecting religion, race, and rights, colonists viewed Indigenous peoples’ bodies as so dirty and sinful that they were unworthy of protection from defilement by Christian colonists. Consequently, colonists defiled, raped, and otherwise violated Native Americans with impunity (A. Smith 2005). For centuries, white colonists and American citizens relied on the acts of “Providence” (i.e., God) and the need to advance Christianity to justify the genocide and removal of Native Americans (P. Williams 1989).

U.S. Law and Jurisprudence

At the close of the colonial era, the founding generation used Protestant theology to justify its social and legal apparatus. Harold Berman (1983) reviewed the foundations of Western law, tracing the influence of Protestantism. He concludes that “[n]ot only law and legality in general, [but also] specific legal standards, principles and rules were
widely derived ultimately from the Bible, from the history of and from what the Declaration of Independence called Nature and Nature’s God” (Berman 1983:4). For much of U.S. history, legislators and judges were explicit that religion undergirded legal and social institutions. In a 1952 opinion, Supreme Court Justice William O. Douglas wrote for the majority, “We are a religious people whose institutions presuppose a Supreme Being” (Zorach v. Clauson, quoted in Berman 1983:4).

In many cases, lawmakers and judges justified racist policies through Protestantism. For example, the same Declaration of Independence that references the “Laws of Nature and of Nature’s God” and argues that “all men are created equal, . . . endowed by their Creator with certain unalienable Rights” also says that colonists were compelled to form a new nation because the King did too little to prevent insurrections from “the merciless Indian Savages.” Thus, the colonists defined Americans’ unalienable rights, in part, as a God-given right to kill Native Americans.

Subsequent generations of Americans followed suit. A Supreme Court opinion is again illustrative. In U.S. v. Thind (1923), the Court had to decide whether Bhagat Singh Thind, an Indian immigrant, was eligible for naturalization as a citizen under the 1790 Naturalization Act, which limited naturalization to “free white persons.” Thind argued that despite being Sikh and relatively dark-skinned, his Caucasian ancestry (i.e., ancestral descent from the Caucasus region) established him as legally white. White status would entitle Thind and similarly situated immigrants to naturalization and the legal rights that come with citizenship.

Predictably, the Supreme Court ruled against Thind. Speaking for a unanimous Court, Justice Sutherland based the argument for Asians’ ineligibility for naturalization, in part, on his interpretation of the creation story in Genesis 2:23:

"Bone of [their] bone and flesh of [their] flesh" is a direct quotation of the portion of the creation story when God creates woman (Eve) from the rib of a man (Adam). The opinion’s immediate reference to “their kind” is likewise an allusion to the Judeo-Christian creation story, in which God declares that each creature must reproduce “after his kind” (Genesis 1:24; KJV).

The Court’s argument is that God created different kinds of people, who are divinely barred from reproducing or sharing equal status. Thus, miscegenation laws, immigration restrictions, and racial segregation are all implicit in the Court’s jurisprudential theology of race. The Court presents itself as bound by Congress and the Bible regarding legal questions of race. Judeo-Christian references at the center of a case establishing the relationship between race and rights evince the tight connection between race, religion, and law that any critique of race and law must interrogate.

Contemporary Christianity and Race in U.S. Law

The close connection between race, religion, and law remains a perduing feature of American social structure. White evangelical Christians’ disproportionate effect on contemporary law and politics is illustrative. Several scholars note the long relationship between white racism and evangelicalism (Tisby 2019). The Southern Baptist Convention, the largest Protestant denomination in the United States, seceded from their Baptist brethren so that southern missionaries could evangelize while owning slaves. Following Rev. Martin Luther King, Jr.’s famous “Letter from a Birmingham Jail,” Rev. Billy Graham publicly chided him to “put the brakes on a little bit” (New York Times 1963). In 2012, Southern Baptists trailed only Nazarenes as the most Republican religious voting bloc (Lipka 2016).

More recently, white evangelicals were the first and most committed religious supporters of Donald Trump’s 2015–2016 candidacy for the Republican Party nomination and presidency. That was so despite Trump fueling his campaign with racist attacks like birtherism and denigrating Mexican immigrants (Lopez 2019). Ultimately, Trump won nearly 80 percent of the white evangelical vote in the presidential election (Bailey 2016). Upon taking office, Trump engaged in several racist policies, such as attempting to build a wall between the United States and Mexico, instituting a “Muslim travel ban,” and saying that immigrants from Africa and Haiti come from “shithole countries” before calling for “more people from places like Norway” (O’Connor and Marans 2018).
Policy changes advocated by the Trump administration are not the only contemporary examples of race and Christianity influencing the law. White Christians leading powerful corporations (e.g., Hobby Lobby, several Catholic and Protestant universities) have used religious freedom claims to limit women’s access to contraceptives in ways disproportionately affecting poor women of color (Perez 2014). White evangelicals occupy high offices that directly serve large numbers of people of color, at times directing everything from the Department of Education to the State Department and international adoption programs (Joyce 2013; Lindsay 2007; Stewart 2020). The effects of religion on race and politics span the political spectrum. For example, the 2020 primary revealed the power of African American Christian voters in the Democratic Party, as they were the eventual presidential nominee’s most committed supporters (Burns 2020).

At every point in American colonial and national history, the intersection of race and religion has been essential to the creation and enforcement of U.S. law. Taken together, this history evinces a jurisprudential theology of race structuring U.S. law and politics. From the construction of Native Americans as innately sinful, to Providence establishing a nation for “free white persons” who were “bone of bone and flesh of flesh,” to the 2016 Muslim ban, the centrality of Protestant religion to race law is clear.

Therefore, analysts of race, religion, and/or law in the United States must account for this intersection. Some strands of CRT are analytically attentive to all three and to the interplay between them. By drawing on sociological understandings of religion and spirituality to critique race and law, CRT can provide the analytical frame, central theoretical tenets, and substantive empirical insight to address scholarly questions regarding race and religion.

SPIRITUALITY IN CRT

In the previous section, I demonstrated that U.S. race law often hangs on whites’ interpretations of Protestant Christianity, creating a jurisprudential theology of race. CRT challenges this religio-legal racism in four ways: (1) exposing its racist premises; (2) building tenets that contradict those racist premises; (3) developing a counternarrative, also rooted in Protestant Christianity; and (4) developing spirit-based strategies for evaluating phenomena and resisting racism. Drawing primarily on the work of founding critical race theorists, I highlight these challenges in turn.

Exposing Racist Premises via Analogy to Religion

“At the heart of [founding critical race theorist] Derrick Bell’s work lies a conundrum. He argues that racism is permanent, and yet at the same time he insists that the struggle against racism remains worthwhile and valuable” (Taylor 2004:269). That permanence stems from Bell’s (1992) “racial realism” and other insights showing that legal moves toward justice are indeterminate, limited, and reversible according to whites’ sense of their self-interests. Indeed, for Bell, the battle for racial justice is one worth engaging although nothing in American legal or political history suggests justice is possible. The CRT he developed functions as a spirit-nurturing weapon in that doomed, but worthwhile struggle for justice. As such, CRT represents a kind of paradox—it is a potent weapon promising progress toward racial justice while claiming that justice will not be achieved. CRT is an act of faith in the impossible, a hope without reason.

In that way, CRT is analogous to religion and law themselves. “Law and religion are each ultimately about belief systems—systems that require faith notwithstanding reason, evidence, and experience,” argues Derrick Bell (2018:274) in his posthumous article “Law as a Religion.” Through analogy, Bell argues that with respect to racial justice, law functions as a religion. Both law and religion “claim to elevate human conduct . . . [and each] also relies on blind faith that it achieves its fundamental goals. It calls upon this faith in defiance of evidence and reason” (Bell 2018:265). In the case of religion, various traditions require belief in unseen planes of existence, afterlives, and miracles that defy reason, history, and science. Nevertheless, billions look to religious traditions for assurance of positive outcomes in this life and the next. Similarly, people trust that the law can bring justice (including racial justice) despite all historical and contemporary evidence being to the contrary. As a law-centered push for justice, CRT itself is like Bell’s description of religion and law. It is a method of pursuing justice that offers no historical or scientific support for the hope people place in it to deliver racial justice. In that way, CRT is based on faith. Nevertheless, like religion and law, it is a worthy pursuit that “can proffer inspirational guidelines for honorable and ethical living” (Bell 2018:267).

Early critical race theorist, Richard Delgado, makes logical links between CRT and religion explicit. In The Rodrigo Chronicles, Delgado
Bracey 5

(1996) explains CRT by discussing how competing religion-styled premises undergird both mainstream legal analysis and CRT. Delgado first argues that law professors who oppose racial justice efforts start from a religious premise when they consider racial inequality:

[Racially conservative professors argue] the social system is fine, because divinely ordained; the fault lies with individual actors like you and me . . . They conclude that, because the world is fair yet we [people of color] are poor and despised, there must be something wrong with us individually, or with our culture or family—we are not among the elect. (Delgado 1996:31–32)

Racially conservative legal scholars presume a fair, “divinely ordained” social system in which people have equal opportunities and outcomes result from merit. From that presumption, they conclude that those who succeed are “the elect” of God. If successful people are disproportionately white men, it is only because the divine Creator chose it to be so.

However, it is not only mainstream scholarship that has religion-styled premises. CRT does as well:

We [critical race theorists], by contrast, having the same belief in a fair world but knowing that we are normal . . . interpret differences in the distribution of social goods like jobs, longevity, wealth, and happiness as evidence of malevolence or neglect on the part of those in power, or else as basic defects in the social system. (Delgado 1996:32)

CRT imagines a fair world, which would exist if not for abuses of power and defects in the social system. Against this heavenly utopia, CRT measures the empirical world and finds it wanting. The gap between the just utopia and the corrupted empirical world is the focus of CRT scholarship.

Mainstream legal scholars and critical race theorists are equally tied to a religious logic structure. They must first assess the fairness of an inherited social system about which they can make only inferences. Granted, CRT relies on empiricism to demonstrate the greater veracity of its stance (Carbado and Roithmayr 2014). However, conservatism and CRT both involve a worldview with premises, threats of counterevidence, and reliance on belief in a world unseen.

That is not to say that CRT is itself a religion, only that CRT recognizes and is sympathetic to the structure of religious thought. Indeed, CRT uses spiritual principles (e.g., starting with and pursuing an unseen ideal) as part of its method of analysis. In its logic structure and analytical method, CRT is compatible with religion (Witherspoon and Mitchell 2009), which is why it can recognize legal conservatism as a frame with a religious logic structure (Taylor 2006). Indeed, Bell (2006, quoted in Taylor 2006:56) notes “the religious faith-like foundation of so much racist belief and behavior based on those beliefs,” which CRT can claim is due to the theological idea that “[t]he racist replaces God as the source of value with self and race” (Taylor 2006:56). In that way, legal racial conservatism and racism itself are false religions that place faith in self and race rather than God. CRT frees adherents from a false faith in racism by insisting on spirit, rather than race, as the source of value. Through direct comparison and contrasting use of religious tropes, CRT rejects the heresy of the mainstream jurisprudential theology of race on spiritual, empirical, and logical grounds.

**Tenets Derived from Spiritual Principles**

CRT’s denunciation of conservative, racist theologies in law is manifest in Bell’s and Delgado’s comparisons of CRT and conservative legal logic. However, that condemnation is equally present, if tacit, in the core tenets of CRT. Those tenets are: (1) race is a social construction, created to justify European exploitation of other groups by establishing “whiteness” as the superior social status (Haney-Lopez 2006; Harris 1993); (2) racism is a normal outcome of U.S. institutions and social relations; racism is neither an occasional apparition nor detached from material production; when the normal operation of institutions and social norms disproportionately benefits white people, that is called “white supremacy”; (3) intersectionality—meaning people’s multiple, interlocking identities position them differently in social structures—generates structurally specific needs and perspectives; (4) the Black-white binary focuses analysis on Black-white dynamics; however, scholars must transcend this binary because white racism is directed against all peoples of color, sometimes in ways that are different from how whites target African Americans; (5) racism is permanent and has a polar, hierarchical structure, with whites on top and Black people on the bottom; and (6) narrative is essential to understanding racialized phenomena.

Each tenet hangs on and evinces the original spiritual tenet that Delgado articulated, namely that
people are equal in essence and value, regardless of the ascribed race. Equality of essence is an implicit recognition of what is often called spirit or soul—a supernatural entity that is possessed by individuals but is independently sustained and morally recognizable. The soul is implicit because the object of CRT concern—injustice—requires violation of some morally recognizable object. Racial inequality in terms of treatment and outcomes is unjust because individuals are not unequal racial beings, but are fundamentally equal spiritual beings. Violation of spiritual equality via racism is the injustice with which CRT is concerned. To illustrate the point, I will quickly connect each tenet to its implicit spiritual argument, noting where the CRT argument contradicts conservative jurisprudential racial theology. Taken together, these tenets constitute not just a rejection of conservatism, but the creation of a CRT counternarrative based on spiritual and equalitarian equality.

Regarding the first CRT tenet, if race is socially constructed, then it is not divinely created or extant in nature. Therefore, laws that discriminate based on racial hierarchy are not only unnecessary, but contrary to the Truth of natural and spiritual equality. Institutions that reproduce racial inequity (the second tenet) are also operating against the essential sameness—and thus equality—of all humanity.

The next three tenets are more controversial, but equally derived from a spiritual claim of essential equality. Intersectionality and moving beyond the Black-white binary are claims for equal protection under the law for all peoples, including those situated beyond the law’s explicit consideration. In “Demarginalizing the Intersection of Race and Sex,” Kimberlé Crenshaw (1989) demonstrates how recognizing only race or sex leaves Black women without legal protection, despite the prohibition of discrimination on the basis of race or sex in the Civil Rights Act of 1964. Intersectionality is not a dismissal of Truth, but rather a claim that people have different positions in the social structure that reveal aspects of Truth that may be hidden from other people because of how power shapes epistemology. For example, a Black man would not be in a position to recognize ways the Civil Rights Act of 1964 failed to protect Black women from gendered racism—failures that are obvious to Black women. In the absence of Black women speaking from their social position, no one would see the whole Truth, including the limitations of the law’s protections. Intersectionality allows everyone the benefit of knowledge constructed from multiple social positions, thus revealing more of the Truth than would be visible otherwise.

Similarly, regarding the Black-white binary, Latinxs, Asians, and Indigenous peoples are often better positioned than African Americans to recognize white racism in the form of discrimination based on religion, language, or immigration status (Perea 1998). Indeed, white voices are also critical for understanding the quotidian reproduction of racism (Feagin and Ducey 2017). Ultimately, CRT argues that hearing from people in different social positions is necessary for seeing the whole Truth about the mechanisms and effects of racism.

The fifth tenet—the permanence of racism—can be read as recognition of the equality of white and nonwhite peoples with respect to agency. According to Derrick Bell (1991, 1992) and other critical race theorists, racism is permanent mostly because white people choose to perpetuate systemic racism (Mueller 2017, 2020). Racism does not happen independent of social actors. It requires humans with agency and free will who choose to follow either the path of least resistance or the difficult path of antiracism. Unfortunately, most whites take the easier path. Like whites, people of color must also choose whether to reject or uphold racism. Occasionally, some people of color choose to support white racism, whether out of ignorance, pressure, or presumed self-interest (Bell 1991). In any case, the permanence of racism tenet is not as deterministic as its name suggests. It is instead a recognition of human agency, without which CRT would be a deistic analytical frame that denied the very humanity it purports to defend.

Finally, the sixth tenet—narrative—is also responsive to spiritual truths. CRT’s commitment to narrative has two forms: context and communication. In terms of context, CRT rejects the traditional legal model which ignores social context in favor of the specific facts of a case, even when those facts are dependent on recognizing history and social structure (Moore 2014). Instead, critical race theorists insist on accounting for racial history and systemic racism. For example, the history of police violence against African Americans is relevant to why a Black motorist may drive an extra mile to a well-lit location before pulling over for an officer. In the absence of narrative, such behavior may be understood as resisting arrest, but in social context, it is simply seeking safety from a reasonable threat. Second, narrative also means commitment to using fiction and other media to communicate legal truths to broader audiences. CRT recognizes stilted writing styles and excessive formalism as unnecessary barriers to people understanding the laws that govern them. Through fiction and other methods of
storytelling, critical race theorists make legal knowledge and theorizing available to people beyond the walls of the academy.

In both cases—narrative as context and narrative as communication style—CRT seeks to recognize everyone’s full humanity. Context is acknowledgment that people are not atomistic, strictly logical beings. People are emotional, as well as rational. They are connected to communities with histories and relationships. Their actions should be adjudicated in the context of their humanity, which includes the context of their social position. To do less is to reduce people to unreal, legal constructs rather than human beings. Similarly, hoarding legal knowledge disempowers everyday people and gives legal officials so much power that everyday people are functionally incapable of advocating on their own behalf (P. Williams 1991). By communicating in ways accessible to the non-legal public, critical race theorists attempt to restore a balance of power that better reflects the fundamental, spiritual equality of all people.

Taken together, these tenets offer CRT some advantages beyond other race theories. Some theories view religion primarily as one of many sites of racial contention (e.g., assimilation theory, racial formation theory). However, CRT accounts for the inextricability of race and religion, historically and today. Among structural theories of race that account for the influence of religion on the creation of race (e.g., systemic racism theory; Feagin 2013), CRT is unique in the centrality of intersectionality to the framework. Finally, CRT’s assertion that racism is permanent lends to incorporating spirituality in practice as much as theory. With respect to this tenet, Bell (1992) states, “[Critical race theorists] believe in fulfillment—some might call it salvation—through struggle . . . [A]s a matter of faith, we believe that . . . there is satisfaction in the struggle itself” (p. 98).

Spirituality as Resistance

CRT developed around its leaders’ unapologetic commitment to social justice, especially liberation from racial oppression (Crenshaw et al. 1995: xii). Given that racism is inextricably tied to a jurisprudential racial theology, it follows that CRT would not only reject that theology but also make spirituality part of its theorizing and resistance strategy. Indeed, justice itself—especially when conceptualized as the liberation of all peoples from injustice—is fundamentally a spiritual project (A. Smith 2005; Tsosie 2005).

In that way, CRT follows in the long tradition of Black social analysts who relied on religion as a source of intellectual inspiration. For example, Du Bois’s use of religious tropes is well-documented (e.g., “The Souls of Black Folks,” “Of Our Spiritual Strivings”; see Emerson et al. 2015). Similarly, Derrick Bell (1987: vii) drew the title and epigraph of And We Are Not Saved from Jeremiah 8:20 in the Hebrew Bible, and a later book speaks of “divining our racial themes” (Bell 1992). Bell’s 2004 book, Silent Covenants, draws on the Jewish religious concept of covenant agreements to explain how and why whites consistently unite to their own detriment rather than coalesce with Black people for racial justice. Most directly, Bell’s (1996) Gospel Choirs is a meditation on African Americans’ use of gospel songs and traditions to survive the indignities of institutionalized white racism.

The topics and titles of other CRT classic texts also allude to religious traditions. For example, Patricia Williams (1987) explains that violent hate crimes are a type of “spirit-murder,” in which the assailant attacks an identity as much as a person. Similarly, her book, The Alchemy of Race and Rights (P. Williams 1991), uses the concept of alchemy—a false, mystical proto-science—to highlight the incongruity of racism and legal equality. In his article, “Beyond Critical Legal Studies: The Reconstructive Theology of Dr. Martin Luther King, Jr.,” Anthony Cook (1990) relies on Christianity to redirect misguided liberal critiques of race law. These allusions are more than resonant metaphors. Just as Du Bois used religious tropes to reveal the inner workings of white racism, CRT’s allusions reveal theorists’ use of a religion-inspired analytical frame that facilitates seeing how racism and law both operate like religious faith. Thinking through these metaphors exposed the spiritual element of hate crimes (P. Williams 1987), the sacredness of whites’ silent covenants (Bell 2004), and the centrality of religious practice to resistance (Bell 1996).

Many of these texts use narrative forms with religious allusions and undertones. They do so by communicating their scholarship in the form of fictional chronicles, similar to biblical chronicles and parables. Critical race theorists use chronicles—often voiced by all-knowing, prophetic, human, and divine figures (e.g., Geneva Crenshaw; Bell 1987, 1992, 1996)—to substantively challenge conservative assumptions that are difficult to reproach solely through empirical observations (Bracey and McIntosh 2020). Theorists also use chronicles to make their writing legible for those outside the legal academy, hoping that
democratizing knowledge will facilitate popular mobilizations for racial justice (Delgado 1989).

As is clear from this brief overview, CRT is peppered with religious allusions and tropes that clarify its connection to religious traditions and suggest applicability to questions of race and religion. However, in CRT, spirituality is not only a method of analysis and communication, it is also a strategy for resistance. Derrick Bell (1992) illustrates the centrality of spiritual resistance throughout *Faces at the Bottom of the Well*, bookending his analysis with a preface and epilogue squarely focused on the question of spirit and resistance. The preface centers Mrs. Biola MacDonald, a local organizer pushing to integrate Mississippi schools. For Bell (1992: xii), MacDonald is the model for CRT because

[s]he did not even hint that her harassment [of segregationists] would topple those whites’ well-entrenched power. Rather her goal was defiance, and its harassing effect was likely more potent precisely because she did what she did without expecting to topple her oppressors. Mrs. MacDonald avoided discouragement and defeat because at the point that she determined to resist her oppression, she was triumphant.

Like Mrs. MacDonald, CRT does not focus solely on policy goals. The spiritual act of insisting on one’s humanity, regardless of the policy outcome, is a victory in itself.

Later, Bell (1992:197) broadens the model for CRT resistance to include enslaved Black people “whose lives were not marked by extraordinary acts of defiance”:

[. . . but] they produced worlds of music, poetry, and art. They reshaped Christian cosmology to fit their spirits and their needs, transforming Protestantism along the way . . . Their ordeal, and their dignity throughout it, speaks to the world of the indomitable human spirit. (Quoting Huggins 1990:lxxiv)

These examples make clear that the work of CRT is more than scholarly output. It is spiritual work—morally asserting one’s humanity, respecting human dignity, and yes, rejecting racist Protestant cosmologies in favor of a more truthful Christianity.

In Bell’s wake, a few scholars have emphasized the centrality of religion and spirituality to CRT-based resistance, suggesting CRT provides a welcome home for scholars invested in resisting racism in religio-spiritual ways. For example, Eric Yamamoto (1999) and Rebecca Tsosie (2005) use CRT as the basis for racial reconciliation work after heightened conflicts. Yamamoto’s work is especially relevant because it centers a coalition of Christian churches, non-Christian Native Hawaiians, and Christian Native Hawaiians creating plans for racial healing that included reparations. More recently, Kimberlé Crenshaw founded the African American Policy Forum and launched the #sayhername campaign, encouraging communities to defend Black women and girls against police violence. As the hashtag suggests, a central point of the campaign is encouraging people to literally speak the names of Black femmes who have been murdered by police. Speaking their names is a spiritual act, reclaiming victims’ humanity and defending the humanity of potential targets. Saying victims’ names will not bring them back, but it does connect protestors and victims to the perpetual project of struggle through which critical race theorists find “salvation.” Despite these examples, most recent CRT scholarship adopts a more narrowly secular stance.

**CRT AND CONSERVATIVE CHRISTIANS’ CRITIQUES**

Given CRT’s amicability to religion and spirituality—via its commitment to dethroning false jurisprudential theologies of race, generous use of Protestant tropes and logic structure, and recognition of the centrality of spirituality to justice movements—one might be surprised to learn that CRT is extremely unpopular in many leading Christian circles (Cartagena 2020). For example, in 2019, the Southern Baptist Convention (2019) released a statement “On Critical Race Theory and Intersectionality,” detailing its “concerns” that CRT has “been appropriated by individuals with worldviews that are contrary to the Christian faith, resulting in ideologies and methods that contradict Scripture.” Many more groups and thinkers move beyond concern to outright condemnation. For example, in a statement with more than 15,000 signatories, John MacArthur (2018) issued “The Statement on Social Justice and the Gospel,” in which signatories “deny that the postmodern ideologies derived from intersectionality, radical feminism, and critical race theory are consistent with biblical teaching . . . ” Two years later, the Conservative Baptist Network of Southern Baptists (2020) declared CRT unbiblical: “The Network rejects various unbiblical ideologies currently affecting the Southern Baptist Convention such as
Critical Race Theory, intersectionality, and social justice.” These arguments parallel legal scholar Brandon Paradise’s (2014:117) argument that CRT marginalizes Black Christian thought:

This article offers the first comprehensive account of the marginalization of the African American Christian tradition in the movement of race and law scholarship known as critical race theory . . . [CRT’s] neglect of the Christian tradition has meant that arguments developed in race and law scholarship are sometimes incompatible with the deeply religious normative frameworks that many Black Americans bring to bear on issues of law and justice.

There are many more similar statements, mostly from conservative white Christians. Common themes among these statements are that CRT (1) is fundamentally divisive and therefore contrary to the Christian unity prescribed in the New Testament; (2) is postmodern—meaning it rejects the notion of a singular, universal reality—and therefore is incompatible with Christian belief in a single Truth; (3) unfairly privileges some voices (i.e., people of color) and penalizes others (i.e., whites) as a result of postmodernism; and (4) derives from and results in morally liberal politics (e.g., feminism) that are hostile to orthodox Christian doctrines.

Although many critical race theorists might convincingly argue that white Christian leaders’ complaints are bad faith efforts to weaponize religion in ideological defense of white power (Jaima 2021), the cultural and voting power of the Church cannot be ignored. Tens of millions of white evangelicals (not to mention other conservative Christians) represent an audience that scholar-activists need to reach, if only to blunt the political power opponents of CRT are generating (Moore 2021). Engaging the conversation is consistent with CRT’s political commitments and scholars’ efforts to “make ignorance hard” for whites to maintain (Mueller 2017).

Rather than rehearse CRT’s compatibility with Christianity, it may be more instructive to respond directly to conservative Christian critics from a CRT perspective that embraces its spiritual roots. Following Bell’s (1996:95–96) and Tate’s (2005) examples, where they used Bible verses to reply to religious critics of the past, a response to religious critics that harmonizes CRT and conservative Christian perspectives offers an account that takes seriously Christians’ desire for Truth. I have already addressed the substance of these criticisms in my discussion of how the structure, tenets, methods, and resistance strategies of CRT draw from and harmonize with spiritual traditions, Protestantism in particular. The conservative critique is basically a claim that the “Truth” developed by the white Church during eras of de jure racism stands apart from social structure and is uninfluenced by the racial politics of its time. Consequently, whites’ collective history of racial hostility and continuing opposition to most people of color’s politics are of no concern. That conservative whites make these claims to universality—even as people of color assert and demonstrate difference—eviscerates the empirical falseness of said claims.

CRT argues that because people are equal in essence—or in Judeo-Christian terms, are equally made in the image of God (Genesis 1:26–27)—all voices are of equal value. However, because we are not in the same position relative to social structures, we do not have the same level of knowledge about all things. For example, a white man knows little of the experience of a Black woman, with respect to racial oppression. Similarly, a Black woman knows little of the embodied experience of white privilege.

Just as the Bible says Christians are one body, made of interdependent parts (I Corinthians 12), so it is when considering racism. We are dependent on one another to speak from one another’s limited perspective. Unfortunately, our history is that white people have claimed universal knowledge, as if they are objective and universal but all other races are self-interested and particular. Whites’ claim to universality is a claim that they do not need the rest of the Body of Christ, which is contrary to the Bible. Indeed, intersectionality and the idea that the voices of people who are on the bottom of society should have priority are also consistent with Christianity. Returning to I Corinthians 12, verses 23–25 (NKJV) are clear on this point:

And those members of the body which we think to be less honorable, on these we bestow greater honor; and our unpresentable parts have greater modesty, but our presentable parts have no need. But God composed the body, having given greater honor to that part which lacks it, that there should be no schism in the body, but that the members should have the same care for one another.

According to the verses, God gives greater honor to those parts of the Body (i.e., a social group) which lacked that honor. In so doing, God ensures unity,
not disunity. So then, intersectionality is little more than the rephrasing of a traditional Christian principle. All people are essentially equal (Gen. 1:26–27), but society has denied some the honor of recognition as equals. Therefore, to restore unity and equality, Christians should give more honor to those whose social position has garnered dishonor from society (I Cor. 12:23–25).

**WHY CRT IN SOCIOLOGY OF RACE AND RELIGION?**

Emerson et al. (2015:354) rightly argue that “scholars of race and ethnicity cannot fully understand their object without considering the ways religion is both the cause and effect of that object.” Because “religion is racialized and race is spiritualized,” the authors argue, “until the mutual influences of race, ethnicity and religion are better understood, the power of each is underestimated” (Emerson et al. 2015:349). The authors call for theorizing that incorporates the full intersection of race and religion, historically and contemporarily (see also Barnes 2014 calling for a DuBoisian view of Black religiosity).

CRT takes seriously issues of religion and spirituality in its writings, ways of knowing, and practice—as evinced in CRT’s analysis of how religion was used to create race. Furthermore, CRT also considers spirituality an essential means of resistance to racial injustice and attends to the spiritual needs of its adherents. These qualities establish CRT as a promising theoretical framework for fully understanding race and religion.

Indeed, CRT has already proven helpful in the study of race and religion. Michael Emerson and Christian Smith’s (2000) *Divided by Faith*, which employs a sociology of religion frame, remains a foundational text on the study of race and religion. *Divided* launched numerous subsequent studies, most of which buttressed their finding that white evangelicals’ religio-cultural tool kit leads them to interpret racial realities very differently from their Black counterparts. However, a limitation of *Divided* was that it did not fully consider how deeply whites’ racial interests influenced their religious perspectives. CRT-based critiques challenged *Divided* on precisely the co-constitutive grounds that Emerson et al. (2015) suggest are necessary for the progression of scholarship on race and religion. Specifically, Tranby and Hartmann (2008) use quantitative methods and Bracey and Moore (2017) employ ethnographic methods to demonstrate that anti-blackness and racist performances may be more essential to the formation and functioning of white evangelical churches than Emerson and Smith (2000) indicate. These CRT-based critiques thus advanced the literature on white evangelicalism and the connection between race and religion generally.

In addition to sharpening extant analyses, CRT points the way forward for navigating difficult debates in the study of race and religion. Emerson and colleagues (2015) identify several hot debates in race and religion scholarship. These debates include the following: how religion, race, and ethnicity co-construct and reinforce one another (e.g., Kim 2011); whether multiracial churches combat or perpetuate racial inequality (e.g., Cobb, Perry, and Dougherty 2015; Edwards 2008; Perry 2012a); and the applicability of extant scholarship to non-Christian contexts, including extra-institutional and religiously unaffiliated groups.

Again, it is helpful to consider how CRT might address these questions. CRT urges scholars to start by reframing the debates around a similar concern. Given that whiteness—the historically contingent qualities that designate one as racially white and thus entitled to the best of society’s material and psychic resources—is ontologically nothing more than a legal and cultural right to exploit others, CRT analyses center the relationship between religion and whiteness. The key question becomes: how do people and institutions use religion, race, and ethnicity to facilitate or perpetuate racial dominance?

Take, for example, the nature of the multiracial church movement. From a CRT perspective, multiracial churches are not necessarily better (or worse) than monoracial churches. CRT would not see determining the exact statistical definition of monoracial versus multiracial congregations as a question of primary concern. Instead, CRT asks what congregations are doing to struggle against whiteness. Resisting inequality can occur in monoracial or multiracial congregations. CRT would advise the use of methods that tease out the racial orientation of the church, regardless of its demographics. For example, qualitative studies might include breaching to test racial boundaries (Bracey and Moore 2017), racial content analysis of sermons and Bible studies (Cook 1990; Fuller 2018), and ethnographies to examine how race informs quotidian practices (Edwards 2008; Perry 2012a; Wood 2002a). Quantitative studies might examine racial attitudes among religious adherents (e.g., Emerson and Smith 2000; Cobb et al. 2015), compare religious political activity to that of subaltern populations (A. Smith 2008), and evaluate
racialized funding and promotion trends in religious organizations (Perry 2012b), among other questions. Indeed, race critical scholars have a long history of using inventive methods to interrogate the intersection of race and religion (Daniels and Wright 2018; Wortham 2009). In every inquiry, the focus would be on whether and how power is used by the religious organization to combat white supremacy and abolish whiteness.

Similarly, CRT would analyze the relationship between ethnicity, race, and religion by asking how communities’ actions are circumscribed by or reinforce white supremacy. Are communities forming ethnic enclaves so that they have more protections against white racism, or are they emphasizing religio-ethnic differences to gain proximity to whiteness and avoid categorization with oppressed racial groups (Waters 1990)? To what extent do communities defining Christianity as white (or other faiths as nonwhite) and using it to make a claim on whiteness? Again, quantitative and qualitative methods are both essential to addressing these questions.

CRT would move the focus of debates from “reach[ing] consensus on the relationship(s) between religion and understandings of racial inequality” (Emerson et al. 2015:352) to focusing on the conditions that foster or hamper struggles for racial equality. Determining a fixed definition for “evangelical” may not be as important as determining the extent to which any group buys into whiteness. Once one accepts the tenets of CRT—particularly the permanence of racism and the problems of the Black-white binary—the can accept that “racist-antiracist” is a spectrum, not a dichotomy. They can then orient scholarship less toward resolving dichotomous disputes and more toward determining the historically contingent conditions that lend toward racial equality in any particular context.

A CRT-based focus on the struggle against white supremacy allows scholars and practitioners to evaluate congregations of all stripes, including non-Christian religions. Several scholars (Garner and Selod 2015; Gerteis, Hartmann, and Edgell 2019; Selod 2018) use CRT to understand how Islam is becoming racialized, meaning the religious tradition is understood as embodied and immutable rather than just a set of beliefs and practices. These scholars unite race and religion scholarship by documenting how people committed to whiteness, including conservative Protestants, evince higher levels of anti-Muslim sentiments. Shirin Housee (2012) examines ways to combat Islamophobia in Britain through CRT-based education. Beyond applications to Islam, Melissa Goodnight (2017:665) translates CRT to India’s religious caste system to “highlight the educational discrimination experienced by Dalits via use of CRT’s social construction thesis to conceptualize caste and intersectionality to understand caste’s relationship to gender and class.” Additional critical race theorists (Davis and Wilson 2013) use CRT and spirituality to serve marginalized students in a public university where sectarianism is prohibited.

CONCLUSION

For race scholars, there is no escaping the fact that racism began with religious roots, is encoded into the law and other institutions via religious analogy and presupposition, and is now widely practiced in and through religious institutions. Complete theories must account for this perduring connection. Fortunately, critical race theorists not only critiqued the racialization of religion through law, they also developed a counternarrative based on religious logic, imagery, and structure. That counternarrative insists on equality and seeks unity via honoring the voices of people whose structural position subjects them to exploitation. Ultimately, CRT uses religion and spirituality as methods for analysis and resistance. Because of its deep analytical and methodological roots in religion and spirituality, CRT is well-positioned to speak to current debates across a range of racialized issues.

That said, there is also no avoiding that racial conservatives are organized (largely in churches) and determined to use the law to ban teaching CRT, race critical histories, or anything that would make white children feel “discomfort” (Kennedy 2022). Conservatives’ push against CRT hit a high point when President Trump directed the Office of Management and Budget “. . . to begin to identify all contracts or other agency spending related to any training on ‘critical race theory’ . . . ” with an eye toward elimination (Vought 2020). However, the battle continues in state governments across the country (Education Week 2021). Race scholars cannot tolerate these incursions on the production of knowledge.

Everyone whose teaching and scholarship depend on accurate racial knowledge and the freedom to develop explanatory theories has a vested interest in defending CRT. Doing so is important because of CRT’s applicability to scholarship on race and religion, as well as social movements, organizations, political sociology, and other subfields. Mounting a defense of CRT requires
recognizing the sources of attack and their main arguments. That includes addressing politically organized opponents of CRT, many of whom are religious conservatives who presume CRT opposes their spiritual principles. Consequently, all race scholars are wise to understand the spirituality of CRT’s tenets, its attention to how Protestantism shaped race law, how CRT addresses religious communities’ concerns, and its academic uses in a range of contexts.

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ORCID ID

Glenn E. Bracey [https://orcid.org/0000-0002-6666-3160]

NOTES

1. For example, the Southern Baptist seminary presidents declared critical race theory (CRT) “incompatible with the Baptist Faith & Message,” which has frustrated students’ attempts to reckon with Southern Baptist Convention’s (SBC) racist history (Shimron 2020).

2. The spirituality of CRT is universal, defending the essential (i.e., spiritual) equality of all people. However, Protestant Christianity is so dominant in the United States that it has outsized effects on law and jurisprudence, African American religiosity, and CRT’s explicit engagements with religion.

3. Religion and spirituality are complementary, not exclusive concepts. Indeed, 80 percent of people who describe themselves as religious also claim to be spiritual (Chaves 2011). Although they are often discussed as distinct from one another—religion relating to an organized tradition with formal beliefs, rituals, and hierarchies; spirituality meaning connection to phenomena “bigger than me,” independent of organization or formalities—both are premised on transcendence of the mundane (Ammерman 2013). Consequently, “religion” must be understood to include a spiritual domain” (Ammерman 2013:276; original emphasis). Recognizing this overlap, I follow Christian Smith’s (2017:3) definition of religion: “a complex of culturally prescribed practices that are based on premises about the existence and nature of superhuman powers.” (Superhuman powers may be theistic or non-theistic [e.g., the power of eternal souls].) Smith’s definition accommodates formal religious practices and informal spiritual ones. In this article, religion refers to practices and doctrines; spiritual refers to belief in the transcendent and the existence of superhuman powers.

4. By “Truth” with a capital T, I mean the modernist idea of a universal, objective fact to which all humans are subject. That differs from “truth,” meaning the postmodern idea of fact that is dependent on a person’s perspective.

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AUTHOR BIOGRAPHY
Glenn E. Bracey II is an assistant professor of sociology at Villanova University, where his scholarship focuses on critical race theory, social movements, and religion. Bracey is also co-principal investigator with Michael Emerson on the Race, Religion, and Justice Project (rrjp.org).