

# Encyclopedia of Law & Society: American and Global Perspectives

## Critical Race Feminist Theory

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Book Title: Encyclopedia of Law & Society: American and Global Perspectives

Chapter Title: "Critical Race Feminist Theory"

Pub. Date: 2007

Access Date: December 08, 2014

Publishing Company: Sage Publications, Inc.

City: Thousand Oaks

Print ISBN: 9780761923879

Online ISBN: 9781412952637

DOI: <http://dx.doi.org/10.4135/9781412952637.n152>

Print pages: 351-354

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<http://dx.doi.org/10.4135/9781412952637.n152>

Critical race feminism (CRF) poses two central questions. First, what is the legal status of women of color, whether they are minorities within the United States or Europe or part of majority cultures in the developing world? Second, what can this focused theoretical framework do beneficially to affect their plight? These queries are driven by the fact that women of color are disproportionately mired at the bottom of society—economically, socially, and politically—no matter what country they call their own.

Women of color, across nationalities and countries, often fall between the cracks, becoming voiceless and invisible, literally and figuratively. So-called neutral laws, or solely race-based or gender-based initiatives, do not generally give them voice or visibility. CRF attempts to theorize about ways in which existing national and international legal regimes have excluded women of color and to design solutions to give legal [p. 351 ↓ ] visibility and voice to this vast category of human beings.

When Richard Delgado chose the term *critical race feminism* to describe this theoretical framework or prism with which to view women of color, he chose it consciously. The term serves as an echo and link to critical legal studies (CLS), critical race theory (CRT), and feminist jurisprudence. While this emerging field has no agreed-upon canon, a number of concepts run as threads through CRF literature and show their ties with CLS, CRT, and feminist jurisprudence. Among the most important of these threads is a progressive perspective on the role of law, a focus on race and ethnicity, and a distinction between the experiences of women of color and the experiences of men of color.

## History of Critical Race Theory and Feminism

Critical race feminists, like the white male founders of CLS in the 1970s, endorsed a perspective on the role of law that critiques both conservative orthodoxies and legal liberalism. Challenging the notion of law as neutral, objective, and determinate, critical race feminists often use the deconstruction methodology of European postmodernists

such as Jacques Derrida (1930–2004) and Michel Foucault (1926–1984) to expose the way law has served to perpetuate unjust class, race, and gender hierarchies.

Some feminist and race scholars felt that certain adherents of CLS marginalized the perspectives of people of color and white women, giving inadequate attention to the role that sexism and racism play in all legal systems. As a corrective to this, critical race theory, with its emphasis on race and ethnicity, emerged as a self-conscious entity in 1989, although the intellectual underpinnings of CRT exist in the work of several scholars from the mid-1970s onward, most notably Derrick Bell.

Developed in part as a reaction to CLS, CRT has generated a vigorous collection of articles covering a wide array of topics, including affirmative action in education and employment, hate speech, hate crimes, criminal law, the death penalty, racial profiling, and federal Indian law—all challenging the ability of conventional legal strategies to deliver social and economic justice. While the intellectual fire in CLS has died down, the still relatively young CRT movement, of which CRF is a part, has produced hundreds of articles and a growing number of books. In addition, there are several energetic offshoots of CRT. Besides CRF, these include LatCrit, emphasizing Latinos and Latinas; AsianCrit; QueerRaceCrit; and critical white studies, with its focus on the way whiteness functions as a social organizing principle.

CRT has attempted to be multidisciplinary from its inception. It sometimes uses narrative or storytelling techniques (the methodology of ethnography, anthropology, and literary studies), for example, and endorses an approach to scholarship in which the law may be a necessary but not a sufficient basis for formulating solutions to racial dilemmas. Today, one can find CRT scholars in disciplines besides law and in countries other than the United States.

Also from CRT's inception, a number of scholars and commentators, mostly women of color, recognized a flaw in certain perspectives present in CRT literature: the assumption that the experiences of women of color were the same as those of men of color. Given that the experiences of females may differ significantly from those of males, CRF is thus a feminist critique within CRT.

CRF also constitutes a race critique within feminist discourse, in that it necessarily embraces the emphasis feminism places on gender oppression within a patriarchal system. Interestingly, most proponents of CRF have not joined the mainstream Western feminist movements. While reasons vary, in some cases the refusal to become associated is due to the way these movements have focused on generic women, conflating and collapsing the variable experiences of women of color within the experience of white middle-class women. To proponents of CRF, mainstream feminism has not paid sufficient attention to the central role white supremacy has played, through both white men and white women, in subordinating women of color. CRF has drawn energy and ideas from black feminism and “womanist” feminism in the liberal arts, as typified by the work of Audre Lorde, Patricia Collins, Toni Morrison, and Alice Walker.

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## Contributions of Critical Race Feminism

While critical race feminism has strands that derive from CLS, CRT, and feminism, it has also made some analytical contributions distinct from these movements. The first is its use of antiessentialism. CRF provides a critique of the feminist notion that there is an essential female voice, that is, that all women feel one way on a subject. Instead, CRF notes that the essential voice actually describes the reality of some white middle or upper-class women only, while masquerading as a representation for all women. CRF, then, places its focus on the situation of women of color, whose lives may not conform to an essentialist norm.

A concept linked to antiessentialism is the theory of intersectionality, popularized by Kimberlé Crenshaw. She believed that to understand the distinctive, antiessentialist plight of women of color, you must look at the intersection of their race and gender. Within the scope of antiessentialism and intersectionality, CRF scholars with a focus on the United States have written on subjects such as abortion, adoption, affirmative action, divorce, drug use, gangs, criminal justice, constitutional law, employment discrimination, torts, domestic violence, sexual harassment, reproductive rights, family law, the Internet, and even tax law.

While the initial focus of CRF was the United States, the field has moved beyond that and is today enhancing the development of international and comparative law, including subfields such as public international law, international business transactions, and human rights. These areas were developed primarily from principles first enunciated by American and European white male scholars. Men of color from the developing world did not become involved until their respective nations gained independence or sufficient influence through entities such as the United Nations.

Their voices are still muted, but often they rise in discussions of cultural relativism and human rights. Western women have only recently become engaged in attempting to reconceptualize international law from feminist perspectives. Global feminists note that international law has failed to address what takes place in the private sphere of the family, where most women spend a significant part of their time.

CRF has contributed to the development of international law, global feminism, and postcolonial theory by moving women of color away from the margins, in both a theoretical and a practical sense. Women of color are subject to domination from many forces: imperialism, neocolonialism, and occupation, not to mention local patriarchy, culture, and customs. They have often had to choose between directing their energies toward the nationalist struggle for independence or nonalignment, or toward some form of self-determination in the struggle against patriarchy. Typically, the nationalist struggle has prevailed. While the energy of women helps throw off the yoke of outsider oppression, these same women may well be forced back into the “women's work” of taking care of the house and the children.

For women outside the Western tradition, openly accepting feminism carries risks. Others within their communities may view them as unpatriotic for embracing values that may be inimical to local culture. One of the dilemmas for those who do choose to be feminists is whether to embrace and how to reconcile the universality of women's international human rights within their own cultural contexts.

Global CRF themes have included those also addressed in the United States. In addition, scholars have considered multiculturalism, conflict between religion and custom, communitarianism versus individualism, bride burning, child brides, dowry, genocide, social construction of gypsies as black, honor killings, inheritance, marriage,

polygamy, immigration law, sexual slavery, torture, female genital surgeries, female infanticide, son preference, war crimes, economic development, and HIV and AIDS.

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<http://dx.doi.org/10.4135/9781412952637.n152>

*See also*

- [Critical Feminist Theory](#)
- [Critical Race Theory](#)
- [Deconstruction](#)
- [Derrida, Jacques](#)
- [Discrimination, Sociology of](#)
- [Essentialism](#)
- [Ethnomethodology](#)
- [Feminist Legal Studies](#)
- [Foucault, Michel](#)
- [Human Rights, International](#)
- [Narrative](#)
- [Postmodernism](#)
- [Race and Ethnicity](#)
- [Relativism, Cultural](#)

#### Further Readings

Crenshaw, Kimberlé W. "Demarginalizing The Intersection between Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics." *University of Chicago Legal Forum* 1989 (1989). 139–67.

Matsuda, Mari. "When the First Quail Calls: Multiple Consciousness as Jurisprudential Method." *Women's Rights Law Reporter* 11 (1989). 7–10.

Wing, Adrien K., Ed. (2000). *Global Critical Race Feminism: An International Reader*. New York: New York University Press.

Wing, Adrien K., Ed. (2003). *Critical Race Feminism: A Reader* , 2d ed. New York: New York University Press.