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REPLY TO FLORIDA

## The Christian Teacher and Critical Race Theory

Before the end of his 2016-2020 term, President Trump issued Executive Order 13950 to ban the use of Critical Race Theory (CRT) curriculum in schools as a result of the theory's racist and divisive teachings. However, in January of 2021, President Biden rescinded that order as one of his first acts in office. With the ban on CRT no longer in effect, some states have begun to implement its use in public schools. This memorandum is meant to educate and prepare teachers to prevent the harm CRT presents to their young pupils.

### **A. What is Critical Race Theory?**

#### **Marxist Origins<sup>1</sup>**

CRT is an offshoot of a theory originating in Marxist ideology called Critical Theory. Critical Theory proposes that the primary goal of philosophy is to understand and overcome social structures that dominate and oppress people. Proponents of CRT claim that the theory was created to overcome racist social structures instituted by "whites" against "people of color."

#### **Subconscious Prejudice<sup>2</sup>**

CRT believes that racism is a systemic, institutional, and a normal experience for people of color in America. The theory says that there are no races, rather, race is an identity that is socially constructed by whites.<sup>3</sup> It claims that whites then use race to attribute different negative stereotypes to people of color. Once stereotypes are created, they are used against people of color to serve the interests and needs of whites.

<sup>1</sup> Encyclopedia Britannica: <https://www.britannica.com/topic/critical-theory>

<sup>2</sup> Encyclopedia Britannica: <https://www.britannica.com/topic/critical-race-theory>

<sup>3</sup> (This theory become confusingly contradictory when it attempts to claim there are no races, but then separates humans into "whites" and "people of color.")

However, CRT does not necessarily believe that most racism is conscious. It claims racism originates from the inherent, subconscious prejudice of whites. When CRT is applied to law, it suggests that laws written to treat people equally are not necessarily used equally and tend to serve the interests of dominant white groups. As applied to society, CRT proposes that the institutions created by whites are inherently and systemically racist.

## **B. A Biblical Stance on Critical Race Theory**

### **One Race-The Human Race**

Firstly, Genesis 1:27 says that God has made *all* humans in His image. Acts 17:26 further says that “*He [God] made from one man [Adam] every nation of mankind.*” To be clear, humans are all of one descent and all made in one image. There is one race: the human race.

Since humans are not clones of one another, there have been genetic splits in lineage since God first made man, and those splits formed themselves into different nationalities. However, all humans are still very closely related, and interbreeding between all peoples has led to blurred lines that defy the social construct of race. Despite the many similarities between humans, one easily visible difference between people is the amount of melanin (the human skin pigment) found in one’s skin. One could say if a person is dark or light-colored based on how much melanin they have, but classifying a person into a race by their coloration is improper. CRT is correct in claiming that race does not exist except as a false social construct, but the theory immediately contradicts itself when it groups humans as “whites” and “people of color.” At what point would skin pigmentation transfer a person from one racial category to another? What if a person had a dark-skinned parent and a light skinned parent? Which category would they be placed in? Can a suntan make a “white” person into a “person of color?” The human genetic makeup defies classification into race.

### **The Inherent Evil in Humankind**

What is particularly troubling about CRT’s classification of people by skin color is that it assigns each group an inherent moral aptitude based on that color (whether they are naturally racist or not). When CRT is boiled down into its basic assumptions, it says that people with small amounts of melanin in their skin are inherently racist. It singles out “whites” as the source of society’s problems. This claim is unfounded, reminiscent of Hitler’s views of the Jewish people, and contrary to the teachings of the Bible.

What the Bible does teach us is that *all* mankind is fallen. In Romans 3:9-12 the Apostle Paul says that “[w]e have already charged that both Jews and Greeks are all under sin; 10 as it is written: “*There is no righteous person, not even one; 11 There is no one who understands, There is no one who seeks out God; 12 They have all turned aside, together they have become corrupt; There is no one who does good, There is not even one.*” In direct opposition this truth, CRT singles out individuals by their skin color to label

them as the specific origin of societal oppression. Are “whites” the only ones capable of being racist? Of being sinful? In truth, all mankind is sinful. For CRT to target “whites” as racist without recognizing the potential for wrong inherent in *all* mankind, is, in itself, a racist ideology.

### **Only God Knows the Heart**

CRT makes claims that “whites” are inherently racist but does so without proper backing. It is impossible to see the heart of each man and judge him by the level of pigment in his skin. 1 Samuel 16:7 says, “*man might look at the outward appearance, but God looks at the heart,*” and 1 Kings 8:39 says that “*You [God] alone know the hearts of all mankind.*” Only God knows the heart of a man, and it is impossible for CRT to peer inside the mind of each person to find them racist or not. CRT makes prejudiced assumptions that “whites” are naturally racist. The theory does not even allow for exculpating evidence that a “white” person may not be racist. Instead, it claims that a “white” person will subconsciously harbor racism even in the absence of overt expression. Since CRT is a racist and unbiblical ideology, it has no place being presented as truth in the classroom.

## **C. Teacher Free Speech and Critical Race Theory**

### **Teaching CRT Goes Against My Religious Beliefs**

Christians, as a citizen of God’s Kingdom, often find themselves at odds with the way the rest of the world operates. While Christians are called to honor the rules their earthly government gives to them<sup>4</sup>, God is owed a higher honor when His commands come in conflict with the commands of an earthly government.<sup>5</sup> This being said, the EEOC does not provide religious accommodations for teachers being asked to teach classes on subject matter that goes against their sincerely held religious beliefs. For example, a high school biology teacher who did not believe in evolution was still required to teach that topic to his students.<sup>6</sup> Christians would likely express discomfort at being asked to teach CRT to their pupils, but it could be difficult to get an exemption from doing so.

Several potential options exist for a teacher objecting to the thought of teaching CRT:

1. Present opposing viewpoints to CRT in an objective manner.
2. Bring in a substitute teacher to teach the material and take a day off.
3. Speak with faculty and write a request to the school board that CRT be removed from the curriculum.

### **Teaching Viewpoints Opposite to CRT**

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<sup>4</sup> The Bible: Romans 13

<sup>5</sup> The Bible: Daniel 3

<sup>6</sup> *LeVake v. Independent School District No. 656*, 625 N.W.2d 502, 504 (Minn. Ct. App. 2001).

A teacher faced with no option but to present CRT in their classroom is not without creative options to truthfully guide the minds of their young pupils. Schools are meant to be a place where free flow of thought is encouraged. It is entirely possible that a teacher may be able to objectively present opposing viewpoints on a topic when it is being discussed in their class. The beauty of school remains in the fact that it was meant to be a marketplace of ideas.<sup>7</sup>

While a teacher may have some discretion about what is taught and discussed in class, it is important to be conscientious of the manner in which it is done. Most importantly, if an opposing viewpoint is to be taught in a classroom, it must be reasonably related to the subject matter being presented. Further, teachers are not allowed to advocate for a particular opinion. Instead, both viewpoints should be presented in an objective and unbiased manner. It is comforting to remember that truth is like a lion that will defend itself when released from its cage. A teacher can show students through simple logic that CRT is contradictory, that it judges people by their skin color, and that it is a racist ideology. Letting students know that they are free to ask questions and comment is a good way to allow greater flexibility to speak on the subject.

#### **When a Teacher Cannot Present Viewpoints Opposite to CRT**

The Supreme Court has said that “First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”<sup>8</sup> While it is true that teachers retain their First Amendment rights, it is important to know that some limitations are placed on those rights. In their capacity as a *citizen*, a teacher’s free speech under the First Amendment is balanced between the interests of the teacher in commenting upon matters of public concern, and the interests of that state, as an employer, in promoting the efficiency of the public service it performs through the teacher.<sup>9</sup> Basically, the government wants to make sure that teachers are not undermining the goal of student education with their speech. To ensure that goal is protected, a teacher, even in their capacity as a citizen, may be barred from saying certain things that hurt the interests of the school.

Speech for teachers in their function as citizens is limited, but the limitations increase as the teacher steps into their *official capacity* in the classroom. Notably, a school board can regulate a teacher’s speech in the classroom if the purpose of the ban is reasonably related to a pedagogical concern.<sup>10</sup> However, the school

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<sup>7</sup> Keyishian v. Board of Regents of University of State of N. Y., 385 U.S. 589 (1967).

<sup>8</sup> Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).

<sup>9</sup> Pickering v. Board of Education of Twp. High School District 205, Will County., Illinois, 391 U.S. 563 (1968).

<sup>10</sup> Ward v. Hickey, 996 F.2d 448, 452 (1st Cir. 1993).

board must also provide the teacher with specific notice about what conduct is prohibited.<sup>11</sup> Therefore, teachers wishing to teach viewpoints opposing CRT should be able to do so if they have not been specifically told not to. Teachers should realize that a syllabus can be considered to give them notice about what limitations are put on the subjects they teach, so this should be overviewed before any opposing viewpoints on a subject are presented to the class.<sup>12</sup> If notice is not given, and the opposing viewpoint presented to the class is reasonably related<sup>13</sup> to the curriculum, the school will not be able to retaliate against the teacher.

Unfortunately, when specific topic limitations are given to a teacher, they cannot continue to teach that topic.<sup>14</sup> For example, one Christian teacher was prevented from presenting creation science to his class when his superiors specifically notified him that creation science was not an acceptable topic.<sup>15</sup> A teacher may be able to present alternate viewpoints to material in a syllabus, but they cannot override the wishes and judgment of superiors about what is considered the proper content of a course.<sup>16</sup> Case law has said that academic freedom and teacher discretion exists, but it is not a license for uncontrolled expression at variance with established curricular contents.<sup>17</sup>

## **D. Summary**

- CRT is Marxist in origin, it is profoundly unbiblical, and it promotes racism.
- Teachers may be forced to teach CRT and likely do not have religious exemptions.
- Teachers may be able to present viewpoints that oppose CRT to their students.
- A teacher may not present viewpoints that oppose CRT if their superiors have given them specific notice that the viewpoint's presentation is prohibited.
- Teachers can potentially ask for a substitute teacher to teach CRT in their place.
- Teachers can submit a request to their school boards to remove CRT from the class curriculum.

## **E. Helpful Information and Resources**

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<sup>11</sup> *Keyishian v. Board of Regents of University of State of N. Y.*, 385 U.S. 589 (1967).

<sup>12</sup> *LeVake v. Independent School District No. 656*, 625 N.W.2d 502 (Minn. Ct. App. 2001).

<sup>13</sup> *Cockrel v. Shelby County School District*, 270 F.3d 1036, 1055 (6th Cir. 2002).

<sup>14</sup> *Webster v. New Lenox School District No. 122*, 917 F.2d 1004 (7th Cir. 1990).

<sup>15</sup> *Webster v. New Lenox School District No. 122*, 917 F.2d 1004 (7th Cir. 1990).

<sup>16</sup> *Clark v. Holmes*, 474 F.2d 928, 931 (7th Cir. 1972).

<sup>17</sup> *Clark v. Holmes*, 474 F.2d 928, 931 (7th Cir. 1972).