

Dear Higher Education

LETTERS FROM THE SOCIAL JUSTICE MOUNTAIN

Tip Against Banning CRT in Public Education

DR. ONWUBIKO AGOZINO

Dear Higher Education,

I am a childhood survivor of a genocidal war that killed 3.1 million people during the Nigeria-Biafra war of 1967–1970. The war was orchestrated by the former colonizer of Nigeria, who supplied weapons to the genocidal military, blockaded food aid to the Igbo people in order to implement starvation as a “legitimate weapon” of war, and demonized the Igbo as an ethnic group with the will to dominate others — probably because the Igbo led the nationalist struggle for the restoration of independence in Nigeria. That war taught me — a young child in the first grade — the importance of diversity, equity, and inclusion as values in the interest of all. As a result, I have become an intellectual activist who supports social justice through my scholarship. I have some notes of caution for higher education administrators afraid of right-wing activists [banning inclusive excellence](#) in higher education.

The re-election of Donald Trump as President in 2024 encouraged higher education administrators to rush to end diversity, equity, and inclusion initiatives before he was sworn into office in 2025. Precedent from state governors and institutions that tried to abolish DEI and CRE initiatives in education and in corporate America shows, however, that ending such initiatives will face resistance, and will cost the country significantly.

On day one of his term, Virginia governor Glen Youngkin fulfilled his election promise to issue Executive Order Number One, banning what he called “divisive concepts like CRT [Critical Race Theory] in public education.” The governors banning the teaching of CRT may have been misled by the media to believe that CRT is of benefit only to people of African descent. In fact, CRT is a uniting concept, not a divisive one, speaking against racism-sexism-imperialism in the interest of all. Governor Youngkin set up a tipline to report public educators teaching CRT, and here is my tip for his administration to consider: I defend Critical Race-Class-Gender intersectionality or articulation (joined together and not separate) as essential in public education, especially in societies structured in race-class-gender dominance, and I resist this dominance as I work towards increased democratization, decolonization, socialization, and abolitionism.

CRT is not solely about race. It is about race-class-gender intersectionality or articulation — social relations that are joined together and are not separate in how people experience them. The governor did not explain how a teacher would avoid teaching a concept if a student asks a question about why this Executive Order, banning the concept in public education, was necessary, when all should be united against racism-sexism-imperialism in a modern democratic system of government.

By specifying “public education” rather than “public schools,” Youngkin’s words may indicate that he intends to extend the ban to public universities, as has already been done in some states, but not to the private mass and social media organizations that also contribute to public education but are not bound by the governor’s executive order. Virginia is the ninth state banning concepts related to CRT, and many more are considering such bans, claiming that CRT may make white students feel guilty about historic wrongs. White students, however, are also against racism-sexism-classism. Social concepts and social theory are difficult to ban, especially when they

relate to concepts that unite people across race-class-gender articulation, intersectionalities, alliances, and coalitions for a more perfect union, all of which may come up in class discussions.

Law schools used to teach law as a natural science of rules for treating like cases alike irrespective of extra-legal variables. Critical Legal Theory (CLT) emerged from the Frankfurt School in Germany with an emphasis on class analysis of unequal access and outcomes in the law. Rusche and Kirchheimer illustrate this with *Punishment and Social Structure*, in which they offer a class analysis that compares indentured whites and enslaved Africans in class terms but without reference to racism and sexism. As [Jeffrey Reiman](#) writes, poor people get prison while the rich get richer not because the poor, who are overwhelmingly law-abiding, are more criminal than the rich, but because of the ideological preferences of those in power.

In the U.S., the Critical Legal Studies (CLS) movement was developed to show the limitations of the promise of formal equality before the law and the expectation of objective judgement by a jury of peers, given that democratization is still limited by poverty and class exploitation, according to [Roberto Mangabeira Unger](#), whose left-wing critique of formalism and objectivism relatively neglected racism and sexism as obstacles to democratization, in articulation with class. The German origin of CLT should have alerted theorists that legal inequality goes beyond class, given that the Nazis went beyond the killing of communists, their class enemies, to target all Jews along with Roma, other Europeans, Americans, Indigenous peoples, and Africans for elimination in the interest of white supremacy and imperialism, and at huge costs to humanity.

The cost to the world in both world wars was an estimated 70 million lives, mostly poor whites, making W.E.B. Du Bois wonder what was the matter with *The Souls of White Folk* to make them support divisive social and psychological wages of whiteness when all poor people could unite to elect governments that would commit to ending poverty, racism, and sexism for the benefit of all. Rosa Luxemburg had earlier called for opposition to German colonization in Africa as a threat to the lives of poor working people, but she was murdered for her troubles. What if Germany had listened to her, and industrialized their few colonies in Africa at a fraction of the cost of war? German stature, culture, and economy would have benefited, and two world wars could have been avoided. The Civil Rights Act aims to formally protect against racism and sexism, though not against poverty or imperialism. And so critical legal studies may have a point: the struggle continues.

The Civil Rights movement, the decolonization movement, and the anti-apartheid struggle quickly pointed out to those in the CLS movement that, although class is an important factor in discrimination, racism and sexism are also crucial. Some feminist legal theorists, like [Catherine Mackinnon](#), emphasize that gender is even more important in the lives of women under patriarchy than class. Angela Davis explains in *Women, Race and Class* that it is not a choice between polar opposites but a total human experience affecting real people who have always collectively tried to make the world a better place. CRT emerged in legal studies from the work of [Kimberley Crenshaw](#) and others as part of the efforts to explain what [Derrick Bell](#) theorized as “interest convergence” in opposition against “the permanence of racism” (or racist imperialist patriarchy, as [bell hooks](#) put it), given that the faces at the bottom of the well always include the faces of the ones looking down.

There is evidence that policies that discriminate against people of color, women, and the poor are against the interests of all, as CRT maintains. Far from being divisive, CRT is part of the strategies to mobilize the people to oppose racism, sexism, and classism by uniting to call for changes that would benefit all people and make society better. CRT was developed by [Stuart Hall](#), who theorized that the policies of authoritarian populism hurt not only poor black people but all poor people, and who called for alliances and coalitions against oppressive policies and ideologies in the interest of all.

Oppressive laws and policies in places like apartheid South Africa and the Jim Crow South, or those implemented during slavery, tend to unite people from different backgrounds in opposition against oppression, discrimination, and exploitation — because, as stated by [Martin Luther King Jr.](#) in a letter to clergymen who opposed

the use of nonviolent protest and demanded equal rights and justice for all, injustice anywhere is a threat to justice everywhere. It is estimated, for example, that up to [81% of those who direct DEIA programs are white](#) employees who may be laid off or reassigned.

While President Trump did not mention education in his 2025 executive order against [Diversity, Equity, Inclusion, and Accessibility \(DEIA\)](#), he called out “Diversity” and “Environmental Justice” as among the “wasteful and illegal” programs to be defunded by his administration. But these are among the topics that some colleagues teach with academic freedom. Now, students with an eye on the job market may avoid classes that address these topics. Already, universities have started changing the names of DEIA programs, but Trump anticipated this and warned that he will still defund programs that have merely changed their names to avoid censure.

[Virginia Tech Faculty Senate published a statement](#), in line with peer institutions:

Virginia Tech affirms the rights guaranteed by the First Amendment of the U.S. Constitution, including the right to freedom of speech. The First Amendment requires the university to protect the expression of ideas and opinions, including those that people may find controversial, disagreeable, or offensive. Freedom of speech, like all rights in the Constitution, is not absolute. While most speech is protected by the First Amendment, it does not protect speech or actions that violate the law, such as incitement, defamation, threats, privacy violation, or intellectual property infringement, nor does it protect against unlawful harassment or discrimination. In addition, the First Amendment allows the university to regulate the time, place, and manner of expression. At Virginia Tech, freedom of speech should be exercised in a manner that ensures a learning environment that supports and promotes civil debate and mutual respect across differences.

As reported by [The Washington Post](#), the Faculty Council of The University of Texas, Austin, passed a resolution in February 2022 that rejects “any attempts by bodies external to the faculty to restrict or dictate the content of university curriculum on any matter, including matters related to racial and social justice.” Lt. Gov. Dan Patrick (R) denounced the resolution. “I will not stand by and let looney Marxist UT professors poison the minds of young students with Critical Race Theory,” he wrote in a [tweet](#). “We banned it in publicly funded K-12 and we will ban it in publicly funded higher ed.” But critical thinking is not optional; it is a core standard in education.

Faculty members at Virginia Tech are worried about being bullied by the state government regarding the teaching of critical race theory. The Faculty Senate should make it clear that we are against the bullying and intimidation of faculty, who have academic freedom. We should, however, be careful in raising this concern at public forums to avoid an escalation of hatemongering. It appears that parents also disagree with having a tipline to report teachers of CRT, as they instead used the tipline to praise teachers and critique the governor: <https://www.businessinsider.com/virginia-governor-shut-down-critical-race-theory-hotline-2022-11>.

The [American Sociological Association](#) and the American Federation of Teachers went to court to point out that DEI programs are lawful and essential for the prevention of discrimination in higher education and the wider society. A federal high court judge agreed with them, temporarily blocking the ban on DEI programs by the Civil Rights Division of the Department of Education because it is unconstitutional. [CNN reported that DEI](#) programs benefit many groups and not just Black people, and that the people who have benefitted most from DEI programs are white women — contrary to a memo from the Civil Rights Division of the Department of Education, which banned such programs because they benefit a “certain race.”

Instead of banning concepts or theories from being taught in public education, the governors and the President should make more resources available to continue diversifying public education in the US as a way of increasing excellence. The more diverse a public education system is, the greater its excellence in a world that is increasingly diverse and that requires diverse workforces. How about abolishing tuition up to four years of college to help more underrepresented students join the “[Talented Tenth](#),” promoted by Du Bois 100 years ago?

My documentary film, [IE: Inclusive Excellence](#), offers a time-series analysis of the correlation between increasing diversity and increasing excellence in one institution that was built with the labor of enslaved people on land stolen from indigenous American Indian Natives, and was exclusively for white male students. The film is being used by colleagues as a teaching aid, and students are reviewing it favorably. Higher education administrators who are hell bent on banning DEI and CRT should be advised to view the film to improve their critical thinking.

*Yours truly,
Onwubiko Agozino*

About the author

Dr. Onwubiko Agozino is a Professor of Sociology and Africana Studies at Virginia Tech in Blacksburg, Virginia.