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Foreword

CRITICAL RACE THEORY AND INTERNATIONAL LAW: CONVERGENCE AND DIVERGENCE

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This symposium is the first symposium to address comprehensively how Critical Race Theory ("CRT") might inform, and be informed by, an international perspective. The objective of this conference is to begin

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the difficult task of discerning whether CRT can assist in understanding, and possibly transforming, the international system, and ascertaining how an international dimension might enrich the Critical Race critique of race and rights. This is a complex task at best. My objective is to begin the dialogue, pose questions and summarize our ambitions for this momentous gathering.

Critical Race Theory is based on the American encounter, and it embodies and embraces race consciousness. CRT places race at the center of American jurisprudence and the American experience. CRT scholarship, unlike traditional legal discourse, expresses disappointment in conventional "civil rights" discussions. This critique of race and racism in the American legal system has presented a powerful and empowering challenge to traditional legal discourse regarding race and rights. How the Critical Race critique facilitates an understanding of the international system, however, has yet to be established with any degree of certainty. Theories that explain and deconstruct America’s peculiar institutions do not


2. Scholars of Critical Race Theory ("CRT") vary in their reasoning and objectives; however, CRT generally focuses on two primary concerns. See Critical Race Theory: The Key Writings That Formed the Movement at xiii (Kimberlé Crenshaw et al. eds., 1995) [hereinafter CRT Reader] (identifying common interest in Critical Race Scholarship). The first concern is "to understand how a regime of white supremacy and its subordination of people of color have been created and maintained in America, and, in particular, to examine the relationship between that social structure and professed ideals such as ‘the rule of law’ and ‘equal protection.’" Id. The second concern is to not only to understand the connection between racial power and law, but to change that relationship. See id. (emphasizing "change" aspect of CRT). Authors of CRT not only analyze current views of race in America, they try to construct an "oppositionist account of race." See id. (noting purpose of text in CRT reader).

3. See id. at xiv (noting America’s treatment of “racial power” as unique and not continuous). CRT endeavors to reconsider the terms under which "race and racism have been negotiated in American consciousness, and to recover and revitalize the radical tradition of race-consciousness among African-Americans and other peoples of color—a tradition that was discarded when integration, assimilation and the ideal of color-blindness became the official norms of racial enlightenment.” Id.

4. See id. (stating American beliefs on race developed around “social implicit impact” of 1960s and 1970s).

5. See id. at xiv-xv (noting implicit social impact held “racial power and ... justice” would be viewed in limited ways). Mainstream legal thought, whether liberal or conservative, does not recognize race as a factor in the construct of the basic assumptions or foundations of American law. CRT challenges the traditional underpinnings of the American legal framework and critiques prevailing ideologies and paradigms through a racial prism. See id. (stating CRT desires to rejuvenate “race-consciousness” amongst blacks and other minorities); see also Cornel West, Foreword to CRT Reader, at xi, xi (commenting on development of CRT and its potential for liberation).
necessarily clarify the international plane. Traditional international discourse is framed in terms of formal equality, and race appears to be an almost non-existent factor. International legal theory rarely mentions race, much less employs it as a basis of analysis. Internationalists frame hierarchy in terms of economic strength, military power or technological advancement. Terms such as north/south, developed/developing or “Third World,” are the preferred terms of reference. Nonetheless, the southern, developing Third World is for the most part the colored world.


For an in-depth discussion of Third World approaches to international law, see Karin Mickelson, Rhetoric and Rage: Third World Voices in International Legal Discourse, 16 WIS. INT'L L.J. 353 (1998).


Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

International Convention on the Elimination of All Forms of Racial Discrimination, supra, at art. 1, para. 1.

8. The phrase the “Third World” developed in the fifteenth century in Eastern Europe. At first it signified the trading inequalities between Eastern and Western Europe whereby Eastern Europe became dependent upon and subordinate to the West. However, with the development of the global market, the Third World became synonymous with any nation that participated on unequal terms in the emerging global market. See LEFTEN S. STAVRIANOS, THE GLOBAL RIFT—THE THIRD WORLD COMES OF AGE 32 (1981). Today, the term is often used to refer to countries of Africa, Asia and Latin America, and is frequently interchanged with “less-developed,” “developing,” “underdeveloped” and “the South.” Mickelson, supra note 6, at 356. The Third World is also used to designate a political coalition or to conceptualize the international protest of poor against rich. See id. at 357; see also Winston E. Langley, The Third World: Towards a Definition, 2 B.C. THIRD WORLD L.J.
and like the colored world in the United States, it is marginalized, disproportionately poor and relatively powerless. The critical question is the extent to which the divergence in wealth, technology, power, and indeed, voice are predicated on the contingent, fluctuating and very complex concept of race.

At the most basic level, race usually becomes significant when peoples with dissimilar racial characteristics encounter each other. To the extent there is little or no contact between different races, culture is usually the most compelling variable in defining community. If we define race in biological terms, peoples in close proximity to each other tend to be of the same “race.” Thus, “difference” or “otherness” often manifests itself by way of language, kinship, religion, culture, or what might be termed ethnicity. Accordingly, in the international arena, concepts such as ethnicity and religion have been, and will remain, key.

But of course, world history altered this scenario quite dramatically. European imperialism and colonialism brought Europeans into contact with peoples who were physically different from themselves. This differ-

9. In 1993, 32 developing countries had a gross national product (GNP) per capita of $695 U.S. dollars or less. See Debt Institute for the Heavily Indebted Poor Countries (visited Sept. 6, 2000) <http://www.imf.org/external/np/hipc/hipc.htm> (discussing IMF and World Bank plan to provide special assistance for heavily indebted poor countries). In 1998, nearly 40% of South Asia and Sub-Saharan Africa had populations living on less than one U.S. dollar per day. In Latin America, East Asia and the Pacific, approximately 15% of the population survived on less than one U.S. dollar per day. See Income Poverty (visited Sept. 6, 2000) <http://www.worldbank.org/poverty/data/trends/income.htm> (discussing World Bank estimates of number of people living in poverty).

10. See Thomas H. Eriksen, Ethnicity, Race, Class and Nation, in ETHNICITY 28, 30 (John Hutchinson & Anthony D. Smith eds., 1996) (noting minorities have reduced chance to be accepted by “majority”).

11. Nationality may or may not be coterminous with culture. Definitions of nationality have also become an important source of community. See generally Peter Brooker, CULTURAL THEORY: A GLOSSARY (1999) (noting various definitions of culture throughout history); Louis L. Snyder, ENCYCLOPEDIA OF NATIONALISM 256 (1990) (defining nationality as “a community formed by the will to be a nation”).

12. Concepts of race can nevertheless be important to the extent that they inform people’s actions; at this level, race exists as a cultural construct, whether it has a biological reality or not. See Eriksen, supra note 10, at 28-29 (noting link drawn between race and personality). “Ideas of ‘race’ may or may not form part of ethnic ideologies, and their presence or absence does not seem to be a decisive factor in interethic relations.” Id. at 30.

13. See id. (stating strong parallel present between race and class); see also Manning Nash, The Core Elements of Ethnicity, in ETHNICITY, supra note 10, at 25 (citing “kinship,” “commensality” and “common cult” as most common “ethnic boundary marks”). See generally Brooker, supra note 11 (noting culture’s use in defining “society,” time frames and countries).

14. See Tayyab Mahmud, Colonialism and Modern Constructions of Race: A Preliminary Inquiry, 53 U. MIAMI L. REV. 1219, 1220 (1999) (stating adverse affects of contact are still present in “post colonial terrains”); see also Gordon, supra note 1, at
ence in and of itself could have been of little or no consequence. In

Indeed, what may have been pivotal was that these were peoples whose land,
labor and wealth Europeans coveted. In this milieu, race came to matter
a great deal, and it became an important part of the justification for colo-

18. White Europeans, who believed they epitomized civilization, were
to civilize them. Europeans took up the “white man’s burden,” as
race became a key part of European domination and subordination of
non-white peoples.

International law, which had a decidedly positivist bent, assisted and
sanctioned the imperialist quest. The colored peoples of Africa, Asia
and the Americas were considered backwards, inferior and uncivilized
barbarians, and their lands or labor could be taken, pretty much at will, by
civilized Christian Europeans. As Professor Anghie has brilliantly
demonstrated, international law denied such peoples sovereignty, and sov-


eignty was deemed a prerequisite to participation in the international

domination.

933-34 (noting legal distinctions drawn between Europeans and their “subjects”);
Robert A. Williams, Jr., Columbus’s Legacy: Law as an Instrument of Racial Discrimina-
tion Against Indigenous Peoples’ Rights of Self-Determination, 8 ARIZ. J. INT’L & COMP. L.
51, 53 (1991) (describing law brought to Western world by Columbus as “racist”).

15. See James M. Blaut, Environmentalism and Eurocentrism, 89 GEOGRAPHICAL
Rev. 391, 391 (1999) (stating that reason some civilizations prosper and others fail
is due to “local environments” and each groups “geographical location” (citing
JARED DIAMOND, GUNS, GERMS, AND STEEL: THE FATES OF HUMAN SOCIETIES 352
(1997))).

16. See REGINALD HORSMAN, RACE AND MANIFEST DESTINY: THE ORIGIN OF
AMERICAN RACIAL ANGLO-SAXONISM 16 (1981) (noting that Englanders believed it
was their duty to industrialize planet and share their wealth of findings).

17. See Mahmud, supra note 14, at 1220 (noting European racial views created
sense of domination).

18. See Yassin El-Ayouty, United Nations and Decolonization 3 (1971) (dis-
cussing perceived need of colonialism); Anghie, Finding the Peripheries, supra note 1,
at 1, 5, 31-32 (discussing non-European societies’ attempt to be part of interna-
tional law); Gordon, supra note 1, at 932-34 (noting attempt by Europeans to edu-
cate colored natives in religion).

OF THE NATION STATE 37 (1993) (stating that Africans needed “Christianity” and “Brit-
ish” examples to progress in education); accord EL-AYOU TY, supra note 18, at 3;
Gordon, supra note 2, at 934 (noting perception of white race’s superiority);
Anghie, Finding the Peripheries, supra note 1, at 7 (discussing “white man’s burden”).

20. See Gordon, supra note 1, at 927 (arguing that European “racialization”
caus ed global “color consciousness”); Mahmud, supra note 14, at 1224 (labeling
race as “key signifier difference” between Europeans and non-Europeans).

21. See Anghie, Finding the Peripheries, supra note 1, at 6 (noting acquisition of
non-European territories). A full discussion of these themes can be found in
Gordon, supra note 1, at 903 (discussing how international law aided and abetted
imperialist Russia).

22. See HORSMAN, supra note 16, at 194 (discussing perception of superiority
by civilized Christian Europeans).
system. International law was for Europeans only, and non-Europeans were included only through their contact with Europeans. International law was for whites only. Our first panel, “Intellectual Origins-Race, Colonialism, Slavery and International Law,” analyzed these historical antecedents in an attempt to discern how this history colors the contemporary international system.

How relevant is this history to contemporary international discourse? Certainly, the rhetoric has changed. We no longer discuss uncivilized barbarians, and the law of “civilized nations” now includes all of the world’s major cultures and legal systems. While the Third World is largely colored, surely no nation is permanently consigned to the first, second or third world. Russia and Singapore are examples of nations that have moved among these designations. The newly industrializing countries, or “NICs,” which can be termed the “new second world,” are generally peopled by colored folks. Although membership in these categories

23. See U. O. Umozurike, INTERNATIONAL LAW AND COLONIALISM IN AFRICA 19-21 (1979) (discussing whether people of color lacked sovereignty); Anglie, “The Heart of My Home,” supra note 1, at 496-98 (arguing “sovereignty doctrine” was not rational); see also Gordon, supra note 1, at 935-37 (explaining that only European states were fully sovereign, and thus non-European states did not have standing to challenge European states through international law); Dianne Otto, A Question of Law or Politics? Indigenous Claims to Sovereignty in Australia, 21 SYRACUSE J. INT’L L. & COM. 65, 75-76 (1995) (discussing sovereignty as means to international personality and impact of this doctrine on struggles of indigenous peoples to gain voice in international law).


is fluid, the hierarchy is unmistakable. Clearly, the goal is to be part of the North, the first, the developed world. The term "Third World," which was born in a spirit of independence and empowerment, has almost become a pejorative term.\textsuperscript{28}

As Eastern Europeans emerged from the Soviet bloc, they were not considered part of the Third or developing world.\textsuperscript{29} Is this because the Third World is predominately colored or because it is predominately poor? Is it because the Third World is lagging economically and/or technologically? Is the difference culture? Is it race? Are nations and peoples aspiring towards development because it results in a physically easier life,


In the implementation of the relevant programme areas identified in Agenda 21, special attention should be given to the particular circumstances facing the economies in transition. It must also be recognized that these countries are facing unprecedented challenges in transforming their economies, in some cases in the midst of considerable social and political tension.

or because it represents what is valuable in the West? When we say “the West” do we really mean European or white? What do we mean by “the West,” a term we frequently employ, but rarely define?  

I suspect peoples are primarily seeking a more comfortable life and, from my privileged “Western” perch, I will not deny the benefits of affluence. It may also be, however, that the world has adopted the convictions, creeds and ideology of the West. In other words, it is the Western perspective that shapes aspirations, or at least the aspirations that are given voice. Any resistance to westernization, any other yearnings are relegated to the realm of irrationality, fanaticism or clamor, (as the postcolonialists posit), and they are ignored, dismissed or crushed. Critical Race Theory is yet another Western theoretical framework, but perhaps its outsider perspective imparts a crucial difference. On the other hand, it can be legitimately asked whether anything from America can really be termed “outsider.”

On the home front, to the extent American culture is shaped and formed by a racial ideology, it must influence our foreign policy and our interactions with other nations and peoples. I believe it does in a number of subtle and not so subtle ways. It is easier to let colored people continue to be poor, to observe them living in wretched conditions and to ignore sometimes brutal wars. It is just as natural to try to ensure that white folks do not suffer a similar fate. Witness the reaction to Kosovo versus

30. See generally Samuel Huntington, The Clash of Civilizations and the Remaking of World Order 46-47 (1996) (defining “the West” as “Europe, North America, plus other European settler countries such as Australia and New Zealand” and “Western Civilization” as “Euroamerican or North Atlantic civilization”).

31. See George M. Kraw, Criticism and Legal Analysis Affairs of State—Millennial Musings at the WTO Street Theater: Return to the Sixties? Birth of a New Progressive Coalition? Nah, Just a Good Old American Block Party/Riot in Late-Land, RECORDER (San Francisco), Dec. 8, 1999, at 4 (describing WTO riots as orchestrated by white Americans). The demonstrations in December 1999, at the Seattle meeting of the World Trade Organization (WTO) seem to indicate otherwise. See Douglass W. Cassel, Jr., Attacking Symbol of Free Trade, CHI. DAILY L. BULL., Dec. 2, 1999, at 5 (describing WTO as unfair and destructive). But it is at least contestable whether these were simply additional Western voices and aspirations.


33. See, e.g., James Rupert & Douglas Farah, Nigeria Leader Agrees to Send Troops into Sierra Leone; Obasanjo Seeks Support, WASH. POST, May 19, 2000, at A23 (describing reluctance of Western peacekeeping forces to become involved in fighting in Sierra Leone).

Rwanda or Sudan. It is elementary and necessary to assist Eastern Europeans and the peoples of the former second world, although we fought that world for over fifty years. It was just as expedient to use colored folks as cannon fodder, as proxies, in our ideological showdown with the Soviet Union. We could support apartheid in southern Africa for most of this century. Race colors our stance in international organizations. The United Nations Secretary General admonished the Security Council, and especially its permanent members, for its lopsided treatment of Bosnia as compared to Somalia. One wonders if a war crimes tribunal in Rwanda would have been established if not for such a tribunal in for-


38. See Horne, supra note 37, at 454-55 (discussing involvement of United States in anti-apartheid movement).

39. See William Neikirk, Politics Blamed for Delay in Somalia Rescue, CHI. TRIB., Dec. 6, 1992, at 3 (comparing and analogizing reactions to crisis in Somalia and Bosnia). U.N. Secretary General Boutros Boutros-Ghali called the international response to Rwanda's ethnic bloodletting a "failure" and a "scandal." Julia Preston, Inaction on Rwanda Deplored/U.N. Chief Says Response to Massacre Is a 'Scandal', S.F. CHRON., May 26, 1994, at A15 (detailing U.N. Chief's reaction to lack of action taken regarding genocide in Rwanda). "It is genocide which has been committed. More than 200,000 people have been killed, and the world is still discussing what ought to be done," Boutros-Ghali said. Id. His successor, Kofi Annan, has more recently intimated that, had the Rwandans been white, other countries might have been more forthcoming with aid and assistance. See Sunday Morning: Kofi Annan Discusses the U.N.'s Efforts to Keep the Peace, CBS News (CBS television broadcast, Feb. 6, 2000) (discussing U.N. peacekeeping efforts and effectiveness for Congo). Annan stated in a television interview that "[w]hen you talk to Africans, they see a double standard. They see a double standard when they look at what happened in Bosnia and what happened in Kosovo and the resources that was [sic] applied to those crises, and the way the international community responded to the crisis." Id.
mer Yugoslavia. Would there have been intervention in East Timor if there had not been intervention in Kosovo?

The point is not to reduce the rationale for complex decisions and policies solely to race, for there are complex economic and geopolitical reasons behind all of these policies. Just because this conduct cannot be solely attributable to race, however, does not mean race is not a factor. The racial ideology that defines and undergirds American culture and institutions makes these policies appear natural and justifiable. It helps define where our interests do and do not lie. It helps define what is, or is not, important. Professor Brenda Gayle Plummer has closely studied the role of African-Americans with respect to U.S. foreign policy. She continues this study in her book, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960*.

Our analysis of America may not readily help us understand how other countries and peoples relate to each other or to the international


The UN and the powerful states that control it could not reject a tribunal for Rwanda when they had set one up for the former Yugoslavia; formally, white European lives were put on the same footing with black African lives. The overlapping conflicts, which had been so brutal and barbaric, had taken place in front of the television camera, making it impossible to set up a process for prosecuting one group of perpetrators and not the other. Nevertheless, the Rwanda Tribunal was an afterthought, . . . [it] was in effect a sideshow to the Yugoslav Tribunal. . . . The international press and the United Nations were pre-occupied with the Yugoslav Tribunal and only seemed to give the most perfunctory attention to the Rwanda Tribunal.


44. *Id.*
system. That is how peoples define, understand and regard themselves and the "other." No matter how elaborate our analysis of the American milieu may be, it cannot simply be replicated on the international stage. Presumably, other nations and peoples have particular attitudes around race, which grow out of their distinct histories and grand encounters. Critical Race theorists have done a tremendous job analyzing America's peculiar institutions. The question is whether or how this translates beyond American idiosyncrasies.

Critical Race theorists have put forward varying and quite complex definitions of race and racism. They have postulated that the concept of "race" may be socially constructed in very different ways. Race is an "unstable complex of social meanings that are constantly transformed by polit-

45. See Janine Young Kim, Note, Are Asians Black?: The Asian-American Civil Rights Agenda and the Contemporary Significance of the Black/White Paradigm, 108 YALE L.J. 2385, 2388-89 (1999) (citing Michael Omi & Howard Winant, Racial Formation in the United States: From the 1960's to the 1990's 55-61 (2d ed. 1994); see also Omi & Winant, Racial Formation in the United States, supra, at 54-76 (defining theory of racial formation). The theory of racial formation espouses the idea that race is "not merely a classificatory system based on the distinctions among human bodies at any given moment, but that it also contains traces of past struggle over, and present understanding of, social and political relationships." Kim, supra, at 2388-89; accord Saito, Crossing the Border, supra note 1, at 54-55 (arguing that relationship between foreign and domestic policy can be more easily deciphered if, instead of examining race and citizenship, we "think in terms of identification of the 'other' ... the kind of 'otherness' that is ascribed ... on the basis of ... racial or ethnic characteristics."

46. See Omi & Winant, supra note 45, at 54 (noting dichotomy among racial scholars: that certain theorists consider race to be something objective and concrete, while others regard it as ideological and a mirage).
critical struggle;"47 it is contingent and fluctuating in nature—its meaning is fluid.48 Critical Race theorists have demonstrated how very complicated the idea of "race" is. Moreover, they have demonstrated how it might intersect with gender, sexual preference, class and other forms of identity, making it more complex still.49

This analysis becomes infinitely more perplexing in the international arena where social constructions of race may vary widely, or be almost non-existent, depending on the context, and where the variables with which race might intersect are much more numerous. Views of the "other" and self cannot be assumed. Indeed, such convictions are not necessarily (or perhaps even probably) built upon the concept of race. We must avoid "racializing" peoples—that is finding "race" where it is irrelevant or non-existent. Because race is such a fundamental part of the American prism, this tendency may be pronounced.50 If race, and more importantly racism, is viewed as a form of subordination and domination, however, the analysis of subordination found in the Critical Race Critique

47. Id. at 55. Professors Omi and Winant define race as "a concept which signifies and symbolizes social conflicts and interests by referring to different types of human bodies." Id.

48. See id. (describing ever-changing meaning of term "race"). The theory of racial formation postulates that race is nebulous, ever changing, and dependent upon social and historical processes. See id. (exploring history, meaning and implications of term "race").

49. See, e.g., Kimberlé Crenshaw, Mapping the Margins, Intersectionality, Identity Politics, and Violence Against Women of Color, 43 STAN. L. REV. 1241, 1242-44 (1993) (analyzing intersection of race with gender and sexual preference). Intersectionality seeks to account for the marginalizing effect of identity politics, such as feminism and antiracism, on people whose identity is shaped by more than one dimension—for instance, women of color. See id. (discussing effects of intersectionality on race and gender); Kimberlé Crenshaw, supra note 45, at 1342 (describing how race and socio-economic status intersect); Kevin R. Johnson, Racial Restrictions on Naturalisation: The Recurring Intersection of Race and Gender in Immigration and Citizenship Law, 11 BERKELEY WOMEN'S L.J. 142, 142-45 (1996) (reviewing Ian HaneY Lopez, White by Law: The Legal Construction of Race (1996)) (discussing effects of intersectionality and naturalization laws on race and gender relations in United States).

50. See Cheryl I. Harris, Whiteness As Property, 106 HARV. L. REV. 1707, 1716-18 (1993) (relating development of racialization from colonial times to present). The law assumed the crucial task of racial classification, and accepted and embraced the then-current theories of race as biological fact. See id. at 1717 (describing seventeenth century law's legitimation of use of black women's bodies as means to increase property). This core precept of race as a physically defined reality allowed the law to fulfill an essential function—to "parcel out social standing according to race" and to facilitate systematic discrimination by articulating "seemingly precise definitions of racial group membership." Id. at 1737.

The law relied on bounded, objective, and scientific definitions of race—what Neil Gotanda has called 'historical race'—to construct whiteness as not merely race, but race plus privilege. By making race determinant and the product of rationality and science, dominant and subordinate positions within the racial hierarchy were disguised as the product of natural law and biology rather than as naked preferences.

Id. at 1738 (footnotes omitted).
may be quite instructive. These ideas and more are explored by Panel II, which moved from the national to the international and from the international to the national.

The final questions are where this dialogue leaves us and where it takes us. As scholars of international law, it is hoped that aspects of Critical Race Theory might help us articulate a different future, where a voice is given to those who are now voiceless and where those who seek to challenge the prevailing hierarchy might find a theoretical framework that will help mount this challenge. Whether it is because of race, culture or lack of power, certain voices, usually colored voices, are often silenced or ridiculed in the international system. They are ignored and assumed to be too incompetent to determine their own destinies or to contribute in any meaningful way to the future of the global community. They are deemed to come to the table with little or nothing to contribute. Critical Race Theory may help us critique a system where we espouse globalization, while relegating large segments of humanity to irrelevancy. At the same time, lessons from the international community might broaden the Critical Race Critique. Like most American theoretical paradigms, Critical Race Critique generally fails to take into account the rest of the world and its impact on America, past and present. Postcolonialism, international feminism, the right to development, group versus individual rights and much more can be found on the international stage. Perhaps these and other insights will enrich and broaden the Critical Race Critique.

Panel III, "Divergence and Convergence: Where Do We Go From Here? The Reconstructionist Project," elaborated on these themes as it explored our future path. As the following papers confirm, these are questions that must be raised and addressed, as parts of the Third World continue over the economic abyss. How to undertake the transformation that must take place if we are to have any semblance of economic and social justice across the globe is a task to which Critical Race Theory can contribute and an endeavor which will enrich and expand the Critical Race Critique of race and rights.

51. See Gordon, supra note 1, at 907, 953-62 (recognizing reality of subjuga-
tion and cultural inferiority and encouraging international community to "explore 
a more inclusive bottom-up approach").