Analyses of Social Issues and Public Policy, Vol. 7, No. 1, 2007, pp. 93–120

The Use of Research in the Seattle and Jefferson County Desegregation Cases: Connecting Social Science and the Law

Linda R. Tropp*
University of Massachusetts, Amherst

Amy E. Smith
San Francisco State University

Faye J. Crosby
University of California, Santa Cruz

On June 28, 2007, a plurality of the United States Supreme Court held that two public school desegregation plans, which relied in part on racial classifications, violated the Equal Protection clause of the Fourteenth Amendment. This article provides an overview of the cases and discusses the ways in which examples of social science research were used and interpreted by Justices on both sides of the issue. We also describe some differences in perspective between social scientific and legal traditions and offer insights about connections between these perspectives in this and future work.

In the early 1950s the Supreme Court consented to hear five cases concerning racial segregation in public schools. The cases were: *Briggs v. Elliott* (filed in South Carolina), *Davis v. County School Board of Prince Edward County* (filed in Virginia), *Gebhardt v. Belton* (filed in Delaware), *Bolling v. Sharpe* (filed in Washington D.C.) and *Brown v. Board of Education of Topeka* (filed in Kansas). Of these, *Brown v. Board of Education* emerged as the lead case, and on May 17, 1954 the Court handed down its decision on the cases in an opinion that has become known as *Brown I*.

*Correspondence concerning this article should be addressed to Linda R. Tropp, Department of Psychology, University of Massachusetts Amherst, 135 Hicks Way, Amherst, MA 01003 [e-mail: tropp@psych.umass.edu].

Brown I is credited with putting an end to legally endorsed educational apartheid in the United States. Overturning *Plessy v. Ferguson* (1896), the Court stated simply that "separate educational facilities are inherently unequal" (*Brown I*, 347 U.S. at 495). Authored by Chief Justice Earl Warren, the Court's opinion in this case was short by current standards. All nine justices endorsed the decision.

After *Brown I*, school districts around the nation sought ways to desegregate classrooms, and scores of social scientists studied the effects of different models of integration (Braddock & Eitle, 2004; Schofield & Hausmann, 2004). Among legal scholars, meanwhile, *Brown I* became famous for being one of the first instances in which the Supreme Court gave explicit mention of social scientific evidence (Pettigrew, 2004; Smith & Crosby, 2007). Footnote 11 of the decision quoted research conducted by Kenneth and Mamie Clark and by other psychologists like Isidor Chein showing the pernicious effects of racial segregation (Clark, Chein, & Cook, 1952/2004).

During the last fifty years, the Court has on many occasions made use of data from systematic studies conducted by social scientists. In the case of *Price Waterhouse v. Hopkins (1989)*, for example, the work of Susan Fiske and others on sex role stereotyping was of critical importance (see Fiske, Bersoff, Borgida, Deaux, & Heilman, 1991). Similarly, Patricia Gurin's research on the beneficial effects of diversity was vitally important in the University of Michigan affirmative action cases, and particularly in the case of *Grutter v. Bollinger* (see Gurin, 2004; Lehman, 2004). Moreover, with increasing frequency, the American Psychological Association has submitted to the Court *amicus curiae brief*s in a wide variety of cases (e.g., *Planned Parenthood of S.E. Pennsylvania v. Casey*, 1992; *Boy Scouts of America v. Dale* 2000; *Atkins v. Virginia* 2002).

Most recently, social scientific studies have figured into a Supreme Court decision to an extent perhaps never seen before. On June 28, 2007, the Court delivered a decision concerning two cases in which white families challenged racial desegregation plans in public schools. A majority of the Court found both of the plans in question to be unconstitutional. Interestingly, both Justice Thomas in his concurring opinion, and Justice Breyer in his dissent, claimed to base their conclusions, at least in part, on evidence presented in social science research.

The June 28, 2007 opinions are the central focus of this article. Our goal is to shed light on the central questions raised by the Justices in relation to the social science evidence available to address those questions. More specifically, our article falls into three sections. In the first section, we provide some basic, background information about the cases. In the second section, we discuss key issues raised by the Justices and summarize relevant social science evidence in light of the broader base of knowledge available in our research literature. In our third section, we offer reflections regarding differences in perspective between the law and social science, and how these two fields engage with one another in these cases.

The Cases

On June 28, 2007, the Supreme Court rendered its decision on two cases that had been bundled together: (a) Parents Involved in Community Schools v. Seattle School District No. 1 (*Parents Involved*); and (b) Crystal D. Meredith, custodial parent and next friend of Joshua Ryan McDonald, petitioner v. Jefferson County Board of Education (*Meredith*). Both cases (referred to collectively throughout this article as the "Parents Involved" cases) were brought when white children were denied access to schools of their choice, and both cases challenged plans used by the schools in their attempts to achieve racial balance.

Parents Involved v. Seattle School District

The Seattle school district includes 10 public high schools, and under the plan in question, ninth graders in Seattle may request to attend any of the 10 schools. When the requests for any school exceed the number of seats, the city of Seattle has used a tie-breaking plan that involves multiple steps. First priority has been given to siblings of current students. As a next step, the schools could consider a student's racial background if the school in question had either 10% less or 10% more than the current, city-wide percentage of white pupils. At the time that the Seattle suit was brought, the city's school age population was 41% white. Thus, any school with a population that was less than 31% white or more than 51% white would be able to take race of applicant into consideration, after considering sibling status. If tie-breaking was still needed, as a third step, students' residential proximity to the school would then be considered (*Parents Involved*, 2007).

The mother of a young white boy in Seattle wanted her son to attend one of the predominantly white schools. Her son suffered from several learning disabilities, and had been accepted to a program at one of the schools, which utilized a hands-on learning approach likely to encourage his academic performance. When the child was denied admission to the school, a nonprofit group, Parents Involved in Community Schools, filed a suit in federal court, claiming that the district's policy violated both state and federal laws (*Parents Involved*, 2007).

Meredith v. Jefferson County Board of Education

Jefferson County, Kentucky, employed a simpler plan than the Seattle plan. In Jefferson County, no nonmagnet school was permitted to have a student body that was more than 50% black or less than 15% black. Consequently, a white student who wished to attend a school that was less than 15% black could be bused to another school within the "cluster" of schools in his or her residential area.

In Jefferson County, the mother of a kindergartener wanted to send her son to a school within a mile of her home. She moved into the district after the official deadline for matriculation. Her request to enroll her son in the school was denied. The mother then sought to enroll her son in another school, also one mile from her house. When this request was also denied, she filed a case in federal court.

Court Responses to the Seattle and Jefferson County Plans

After the District Courts in each case found in favor of the school districts, the plaintiffs appealed. At the Circuit Court level, both plans were eventually determined to be narrowly tailored and to serve compelling governmental interests and thus were found to be constitutional. Subsequent to the appellate decisions, the plaintiffs appealed the decisions to the United States Supreme Court. The Supreme Court agreed to hear the cases, and on December 4, 2006, the Supreme Court heard oral arguments.

Supreme Court Chief Justice Roberts authored the plurality opinion, issued on June 28, 2007, which declared that both plans were unconstitutional in that they violated the Fourteenth Amendment.[1] Justices Scalia and Alito joined Chief Justice Roberts' opinion in its entirety. Justice Thomas joined the decision, but also wrote his own concurring opinion. Justice Kennedy concurred only in part, though he concurred in the judgment.

The authors of the plurality opinion reminded readers that any time the state takes note of racial classifications, it must meet the requirements of what is known as "strict scrutiny." To survive strict scrutiny, any state-endorsed plan must demonstrate that it passes two tests. First, the state must have a compelling interest at stake. Second, the plan must be narrowly tailored to meet that interest (Newman, 1989).

Bearing in mind the principle of strict scrutiny, Chief Justice Roberts' opinion made three major points. First, it declared that the Court had jurisdiction in both *Parents Involved* and *Meredith*. Lawyers for Seattle School District had argued that the nonprofit group known as *Parents Involved* had no standing in the issue; however, the Court sided with the plaintiffs, noting that all families residing in a school district—even those whose children have been admitted to their preferred schools—have a presumptive right to have their children attend school free of the effects of racially prejudicial treatment (*Parents Involved*, 2007).

[1] For the interested reader, Section 1 of the Fourteenth Amendment of the United States Constitution declares that "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Second, in the plurality opinion the Court held that precedent has established that a state has a compelling interest in educational plans or diversity programs using racial categorization in two situations: if (a) it is a matter of higher education; or (b) the plan in question is designed to remedy past, legally-imposed segregation (i.e., de jure segregation; see *Parents Involved*, 2007). To a naïve observer, such a statement may seem inconsequential. But, to those who watch the Court closely, such a ruling is quite significant.

One reason why the ruling is significant is that, while it does not directly challenge the 2003 decisions concerning the University of Michigan, it severely limits their domain. The majority and minority opinions in both *Gratz v. Bollinger* and *Grutter v. Bollinger* agreed that a state may have a compelling interest in assuring diversity. Given the Court's adherence to the principle of stare decisis[2] and thus its disinclination to go against previous pronouncements of principle, the Court acknowledged the determinative value of the Michigan cases and upheld that the state has a compelling interest in assuring a racially mixed student body at the university level. However, by pronouncing that this interest is "unique to institutions of higher education" (*Parents Involved*, 2007, slip op. at 16), the Court in the present cases introduced a modification of law without having to challenge *stare decisis*.

The third major point of the plurality's opinion in the 2007 Seattle and Jefferson County cases was that the two school desegregation plans failed to pass constitutional muster. Chief Justice Roberts' opinion specified in great detail the ways in which the schools' plans fell short (*Parents Involved*, 2007, slip op. at 27). First, in order to represent a compelling state interest, according to the plurality, there should have been an educational justification for the plans beyond their intent to achieve racial balancing. Second, even if there had been a compelling state interest, the states also needed to show that the plans were narrowly tailored. In part, this means that such plans should be adopted only after the state has considered race-neutral alternatives and demonstrated that these race-neutral alternatives are not sufficient to achieve their goals. At the same time, the school districts would be allowed to consider race as only one among many factors that can be used to bring diversity to a population (*Parents Involved*, 2007).

Justice Clarence Thomas concurred with the plurality's finding that the Seattle and Jefferson County plans violated the constitution, but he wrote a long opinion in which he carried further some of the points raised by Chief Justice Roberts. For example, Thomas declared more vehemently than Roberts that the constitution is "color blind." As such, Thomas challenged the dissent's distinction between plans that maliciously take race into account and those that benignly do so, asserting that any plan that takes race into account is subject to strict scrutiny. Thomas

[2] The latin term *stare decisis* may be translated as "to stand by decisions" and is used to refer to the idea that prior court decisions should be used as precedents.

also emphasized that the social scientific findings utilized by the dissenters are "inconclusive" (*Parents Involved*, 2007, Thomas, concurring, slip op. at 17).

Concurring in part and concurring in judgment was the opinion of Justice Kennedy. Kennedy agreed with Roberts that the plans in question are suspect. He agreed that they are not narrowly tailored because, in his view, the school districts did not sufficiently consider other means of achieving racial balance, and because the programs inappropriately focused on dichotomous racial distinctions and ignored the multitude of racial groupings. He also concurred that the state failed to show that it had a compelling interest in the particular cases. Yet, unlike Chief Justice Roberts, Justice Kennedy allowed for the possibility that the state can have a compelling interest in racial diversity even when (a) the case in question does not pertain to higher education and (b) the case in question concerns de facto rather than de jure segregation. Throughout the nation, said Justice Kennedy, state officials have legitimately and constitutionally worked to achieve racial balance in precollege education, as for example when they think about where to built new schools (*Parents Involved*, 2007, Kennedy concurring).

It would be hard to overstate or ignore the importance of Justice Kennedy's separate opinion. Because Kennedy's rationale differed from the one expressed in the plurality opinion, he has moved to a pivotal position. Those who would bring a suit against a district's plan for racial integration cannot assume that a majority of the Court will find the plan unconstitutional simply because it applies at a precollege level and deals with de facto segregation. On the other hand, the fact that Kennedy was not as impressed with the desegregation plans of Seattle and Jefferson County as were the authors of the dissenting opinion means that school districts throughout the nation have been given notice. They must make sure that their plans are well justified and are as narrowly tailored as possible.

The dissenting opinion in the *Parents Involved* cases, written by Justice Breyer, and joined by Justices Souter, Ginsburg, and Stevens, was unusually long and detailed. Justice Breyer disagreed with the conclusions of Chief Justice Roberts, and he went to great lengths to outline why he believed the reasoning of the plurality to be faulty.

Justice Breyer emphasized four points in his dissent. First, he documented the school districts' long histories of attempting to resist segregation, thereby suggesting that the plans in question were, in fact, adopted because alternative plans proved ineffective. Second, Breyer pointed out that the Court has a long history of approving race-conscious plans that aim to achieve integration. Third, he contended that the plans in question do, in fact, meet the test of strict scrutiny and do so better than in some previous instances in which the Court was not troubled. Specifically, said Justice Breyer, the Seattle and Jefferson County plans are both more narrowly tailored than the plan of the Michigan Law School upheld in *Grutter v. Bollinger*, and in both cases the state may have a more compelling interest in racial diversity than was demonstrated in *Grutter* (*Parents Involved*, 2007, Breyer,

dissenting, slip op. at 64–65). Finally, said Justice Breyer, the present decision is harmful to the nation in the confusion it is bound to create, and harmful to the rule of law in the way it ignores *stare decisis* (*Parents Involved*, 2007, Breyer, dissenting, slip op. at 65).

Justice Breyer also took pains to address a point raised in the plurality opinion: the supposed problem with how the plans seem to rely on a limited conception of diversity. All of the Justices who concurred with the Court's decision seemed to have been offended by the existence of simple dichotomous distinctions: white/non-white in the Seattle plan and black/other in the Jefferson County plan. In fact, however, as Justice Breyer points out, the city of Seattle was obligated to use a white/non-white distinction in order to conform to the dictates of the Federal Emergency School Aid Act (*Parents Involved*, 2007, Breyer, dissenting, slip op. at 53). To punish a school district for adhering to federal rules, he contended, is a gross misfiring of justice.

Justice Stevens joined Justice Breyer's dissent in its entirety and also wrote a dissent of his own. Justice Stevens strongly emphasized the a-historical treatment of the plurality and concurring opinions, noting that the decisions imply that whites have been barred from black schools as frequently as blacks have been barred from white schools. Stevens also noted that he saw the decision as turning back on decades of progress. He ended his dissent stating: "It is my firm conviction that no Member of the Court that I joined in 1975 would have agreed with today's decision." (*Parents Involved*, 2007, Stevens, dissenting, slip op. at 6).

The Use of Social Science Research as Legal Evidence

Empirical social science evidence clearly played a significant role in these cases, as in the *Brown v. Board of Education* decisions before them. Nonetheless, historically, exchanges between the social sciences and the law have often involved tensions due to apparent differences between the two systems (see Barata & Senn, 2003; Bersoff, 1986; Crosby & Smith, 2007; Haney, 1980, 1991; Manuto & O'Rourke, 1991; Melton, 1987, 1990; Monahan & Walker, 1988, 1991; Roesch, Golding, Hans, & Reppucci, 1991; Smith & Crosby, 2007; Tremper, 1987). Indeed, many fundamental differences in perspective persist between social science and the law, including the goals we have in evaluating information, the value we place on information from varying sources, and the assumptions and conclusions that guide our use of that information.

As a first step in probing these divergent perspectives, we discuss ways in which the Justices made use of social science evidence in the present cases, and we summarize the state of knowledge in the research literature in response to the points they raise. Because Justice Thomas warns of the possibility that people may be "unquestioningly accepting [of] the assertions of selected social scientists while completely ignoring the fact that those assertions are the subject of fervent

debate" (*Parents Involved*, 2007, Thomas, concurring, slip op. at 11), we feel that greater elaboration and clarification of the social science evidence is needed, to assess whether this evidence is consistent or at odds with the expressed opinions of the Court (see, e.g., Krieger, 2004). We then build upon these assessments by using these cases to illustrate points of divergence and intersection between social science and the law.

Concerns with Racial Categorization

One set of issues raised by the Court concerns the role of *racial categorization* and whether the government should support the use of racial categorization in public programs and policies. Racial categorization may be defined as classification based on race, such as when one is recognized in terms of one's racial group membership rather than merely as a unique individual (see Tajfel & Turner, 1979; Turner, Hogg, Oakes, Reicher, & Wetherell, 1987).

Quoting from an earlier ruling (*Rice v. Cayetano*, 2000), Chief Justice Roberts asserted in his opinion that "[o]ne of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities." (*Parents Involved*, 2007, slip op. at 39). He referred to the *Brown v. Board of Education* (1954) determination that racial segregation is unconstitutional in part "because government classification and separation on grounds of race themselves denoted inferiority" (*Parents Involved*, 2007, slip op. at 39). He also cited *City of Richmond v. J.A. Croson* (1989), where the majority expressed the view that "government action dividing us by race is inherently suspect because such classifications promote 'notions of racial inferiority and lead to a politics of racial hostility.'" (*Parents Involved*, 2007, slip op. at 39). Thus, the Roberts opinion highlights the Court's analyses of questions concerning whether racial categorization (A) promotes feelings of racial inferiority; (B) enhances feelings of racial hostility; and (C) inhibits the possible goal of perceiving people as individuals rather than as group members. Here, we review the social scientific evidence relevant to each of these issues.

Does Racial Categorization Promote "Notions of Racial Inferiority"?. Rather than equating the impact of all forms of racial categorization, social science research informs us that it is important to take into account the relative statuses of the groups involved when evaluating the impact of racial categorization in academic settings (see Cohen, 1982; Cohen & Lotan, 1995). Being perceived merely on the basis of race can have negative consequences for members of low status, racial minority groups who have traditionally been excluded and devalued in society (see Crocker, Major, & Steele, 1989). From ongoing exposure to prejudice and discrimination targeting their racial groups (Feagin, 1991; Swim et al., 2003), members of racial minority groups are more likely to be chronically aware of their racial

group membership (McGuire, McGuire, Child, & Fujioka, 1978), and more sensitive to being rejected on the basis of that group membership (Mendoza-Denton et al., 2002) than are members of racial majority groups. Correspondingly, exposure to prejudice and discrimination can also produce heightened stress levels for members of racial minority groups, which can in turn contribute to poorer health outcomes (Clark, Anderson, Clark, & Williams, 1999; Krieger, 2000; Williams, Yu, Jackson, & Anderson, 2007).

Emphasizing racial categories can also fuel differences in academic performance in stereotyped domains among members of racial minority and majority groups. In a set of studies, Steele and Aronson (1995) asked European American and African American students to complete a test of intellectual ability, a domain in which African Americans have traditionally been negatively stereotyped. Results from these studies showed that while performance was comparable for the two groups when the relevance of racial stereotypes was removed from the testing context, the perceived relevance of race caused African American participants to perform substantially worse on the test relative to their European American counterparts. Moreover, an analysis of dozens of studies on this phenomenon reveals that majority participants may even experience a boost in test performance when negative stereotypes that target the minority group are operating in the testing situation (Walton & Cohen, 2003).

Together, these bodies of knowledge suggest that racial categorization can potentially produce feelings of racial inferiority, yet such categorization effects are likely to diverge substantially for groups in relation to their relative status in the social context. Members of racial minority groups, who have long been subjected to racial stereotyping, prejudice and discrimination, are likely to encounter negative effects of racial categorization in their everyday lives (Crocker et al., 1998; Feagin, 1991; Swim et al., 2003), regardless of whether racial categorization is sanctioned by local government action. As stated eloquently by Justice Kennedy, "the enduring hope is that race should not matter; the reality is that too often it does" (*Parents Involved*, Kennedy, dissenting, slip op. at 7). Thus, given the reality that racial distinctions often exert a significant and detrimental impact on the lives of members of racial minority groups, social science evidence compels us to ask ourselves why it should be considered inappropriate to use racial categorization as one means of remedying such negative effects.

Does Racial Categorization Promote "Racial Hostility"?. A related issue concerns whether emphasizing racial categorizations through government action will promote racial hostility. Generally, research from the social identity tradition does suggest that categorization into different groups can lead to people to exaggerate differences between the groups and to favor their own group over other groups (Tajfel & Turner, 1979, 1986). Such differentiation can potentially, but not necessarily, involve hostility toward other groups (Brewer, 1999). Furthermore, it

is important to note that merely perceiving group distinctions can propel biased evaluations, even in the absence of overt conflicts or structural inequalities between the groups (Turner, Hogg, Oakes, Reicher, & Wetherell, 1987).

At the same time, decades of studies from the intergroup contact literature suggest that such propensities toward bias and hostility can be minimized when members of the different groups are given opportunities to interact with each other (Brown & Hewstone, 2005; Dovidio, Gaertner, & Kawakami, 2003). Contact between groups can be highly effective in reducing intergroup hostility and prejudice (Pettigrew, 1998), particularly when such contact occurs with the support of institutional authorities (Pettigrew & Tropp, 2006). These positive effects of intergroup contact have even been shown to emerge in contexts where groups have long been wrought with conflict (see Hewstone, Cairns, & Voci, 2006; Tausch, Kenworthy, & Hewstone, 2006).

A growing body of evidence also suggests that the potential for intergroup contact to reduce intergroup prejudice is maximized when group categorizations are salient within the contact situation (e.g., Brown, Vivian, & Hewstone, 1999; Ensari & Miller, 2002; Gonzalez & Brown, 2003; van Oudenhoven, Groenewoud, & Hewstone, 1996). Based on general principles of social categorization, the reasoning here is that, to the extent that we are thinking of individuals in terms of their group membership, positive attitudes resulting from contact with individual members of a group will be more likely to generalize into positive attitudes toward that group as a whole (see Brown & Hewstone, 2005, for an extended discussion).

Moreover, the importance of emphasizing group categorizations has often been demonstrated in the context of relations between racial minority and majority groups. Research on the common ingroup identity model indicates that intergroup bias can be diminished when members of different groups perceive themselves as belonging to a common, superordinate group (Gaertner & Dovidio, 2000; Gaertner, Rust, Dovidio, Bachman, & Anastasio, 1996). However, though such findings may tempt us to discourage categorization at the level of race and promote categorization at a more inclusive, superordinate level (e.g., nation), other research shows that such an approach can curb the emergence of positive relations between racial groups (Crisp, Stone, & Hall, 2006; Dovidio, Gaertner, Hodson, Riek, Johnson, & Houlette, 2006; Hornsey & Hogg, 2000). In particular, members of racial minority groups may be wary of identifying with a superordinate group if it primarily appears to represent the interests and culture of the racial majority (Brewer, von Hippel, & Gooden, 1999; Dovidio, Gaertner, & Kafati, 2001; Sidanius, Feshbach, Levin, & Pratto, 1997).[3] Relatedly, members of racial minority groups may be more inclined to distrust legal and institutional authorities and to question the

[3] In fact, recent work suggests that, at least in the context of the United States, implicit responses to the superordinate category "American" are more closely associated with Whites than with members of racial and ethnic minority groups (see Devos & Banaji, 2005).

treatment they receive by them than are members of the racial majority (Tyler, Boeckmann, Smith, & Huo, 1997; Tyler & Huo, 2002). As such, social science research suggests that, rather than discourage attention to racial categorization, encouraging acknowledgement of both racial and national-level categorizations may ultimately be most effective in reducing interracial tensions and promoting positive relations between racial minority and majority groups (Hornsey & Hogg, 2000). In sum, rather than framing the question as whether racial categorization promotes hostility, social scientific approaches seek to identify the conditions under which racial categorization contributes to reducing or enhancing interracial hostility.

Should Our Goal be to Perceive People Merely as Individuals and not in Racial Terms? The preceding examples speak to another issue raised by the Court, namely, whether using racial categorization pulls us farther away from our presumed goal of treating people as individuals and not in terms of their racial characteristics. In his comments, Chief Justice Roberts articulated that "to the extent the objective is sufficient diversity so that students see fellow students as individuals rather than solely as members of a racial group, using means that treat students solely as members of a racial group is fundamentally at cross-purposes with that end" (*Parents Involved*, 2007, slip op. at 25). Similarly, Justice Kennedy commented that "the idea that if race is the problem, race is the instrument with which to solve it cannot be accepted as an analytical leap forward" (*Parents Involved*, 2007, Kennedy, slip op. at 17).

In responding to this point, we may first question whether absence of racial categorization, or "color-blindness," should in fact be our ultimate goal (see Hunt, Jackson, Powell, & Steelman, 2000). As racial distinctions continue to play a role in how members of racial minority and majority groups are regarded and treated in society (see Blank, Dabady, & Citro, 2004; Feagin, 1991), social scientists have sought to understand the ways in which members of these groups may have different perceptions of and preferences for how intergroup contexts are construed (see Devine & Vasquez, 1998; Eibach & Ehrlinger, 2006; Tropp, 2006). In particular, minority group members are sometimes motivated to have their subgroup memberships acknowledged or affirmed in the intergroup context (Eggins, Haslam, & Reynolds, 2002; Tropp & Bianchi, 2007), whereas majority group members may prefer construing these contexts in terms a single, superordinate group (Dovidio, Gaertner, & Kafati, 2000; Horenczyk, 1996).

Research also suggests that people often rely on racial categorizations in making social judgments, whether or not they intend to do so or are aware of doing so. A growing body of research suggests that we typically show more positive, automatic perceptions and evaluations of our own racial group, relative to our perceptions and evaluations of members of other racial groups (see Dasgupta, McGhee, Greenwald, & Banaji, 2000; Dovidio, Kawakami, Johnson, Johnson, & Howard, 1997).

Although these natural tendencies can be reduced or unlearned through a variety of mechanisms such as training procedures (Blair, 2002; Kawakami, Dovidio, Moll, Hermsen, & Russin, 2000), exposure to outgroup members (Dasgupta & Greenwald, 2001; Turner, Hewstone, & Voci, 2007), and education about prejudice and diversity (Rudman, Ashmore, & Gary, 2001), in the absence of efforts to minimize categorization and bias, such tendencies prevail.

Nonetheless, even if we were to decide that minimizing our societal focus on racial categorization was desirable, the strategy of making assignments based on racial characteristics is not necessarily at odds with that goal. Research shows that people are inclined to rely on racial characteristics in perceiving others to the extent that those characteristics are distinctive or otherwise underrepresented within a given social context (see McGuire et al., 1978). Moreover, when one's racial category is made salient due to its distinctiveness, members of racial minority groups are more likely to feel that they are being evaluated on the basis of that social category (Graham & Juvonen, 2002), which puts them at greater risk for experiencing stress, cognitive deficits, and diminished performance (see Inzlicht & Ben Zeev, 2000; Lord & Saenz, 1985; Thompson & Sekaquaptewa, 2000). By contrast, enhancing proportions of different racial groups, irrespective of whether this is achieved through sanctioned use of racial categorization, may diminish the salience of racial categories and ultimately enhance the potential for decreasing the perceived relevance of race within the intergroup context. Thus, rather than opposing the use of racial categorization based on legal principle, social science perspectives may be more inclined to evaluate its use in terms of whether it can serve to promote specified goals and desired outcomes.

Concerns with Race-Conscious Programs

A second set of concerns raised by the Court involves potential outcomes of programs in which one means of assigning children to schools relies on racial categorization (i.e., *race-conscious programs*), and whether programs such as those used in Seattle and Jefferson County can actually promote racial integration in schools. In particular, the Justices' opinions concentrate on four questions involving the use of race-conscious programs, including whether (A) such programs are in fact necessary to promote racial integration, (B) contact between children from different groups can actually promote positive intergroup attitudes, (C) programs designed to integrate schools afford children with the kinds of contact experiences that can improve intergroup attitudes, and (D) whether these programs offer educational benefits beyond the goal of achieving positive interracial relations among children.

Are Race-Conscious Programs Necessary to Promote Racial Integration?. Regarding the question of whether race-conscious programs are necessary, Justice Breyer noted that these kinds of programs have often "brought about considerable

racial integration" (*Parents Involved*, 2007, Breyer dissenting, slip op. at 4). However, Chief Justice Roberts questioned the need for such programs, stating that "the minimal impact of the districts' racial classifications on school enrollment casts doubt on the necessity of using racial classifications" (*Parents Involved*, 2007, slip op. at 27). Justice Thomas takes this line of reasoning further by claiming that "neither of these school districts in threatened with resegregation, and neither is constitutionally compelled or permitted to undertake race-based remediation" (*Parents Involved*, 2007, Thomas concurring, slip op. at 2). Thus, in a manner consistent with the plurality's emphasis on de jure segregation rather than on de facto segregation, the opinions of Justices Thomas and Roberts seemed to underestimate the tendency for racial groups to segregate themselves even in the absence of legal decree.

A number of empirical studies reveal that patterns of segregation often emerge spontaneously between racial groups in both public and educational settings (see Dixon & Durrheim, 2003; Schofield, 1995). Social psychological research also demonstrates that, over time, racial segregation in one's social network can contribute to more negative interracial attitudes, reduced feelings of institutional belonging and cohesiveness, and greater perceptions of racial conflict (Sidanius, van Laar, Levin, & Sinclair, 2004). Compounding these negative effects, social structures involving economic barriers and institutional practices can further perpetuate divisions between groups and enhance the extent to which segregation patterns are resilient to change (Braddock & McPartland, 1989; Massey & Denton, 1993; Orfield & Lee, 2007).

Moreover, other recent work provides strong evidence to suggest that, in the absence of race-conscious programs, resegregation is likely to result. Indeed, Orfield and Lee's (2007) systematic analysis of decades of school data from across the Unites States compellingly shows that, just as numerous desegregation programs are being dismantled, "resegregation is now occurring in all sections of the country and is accelerating most rapidly [in the region where] the most was achieved for black students, in the South" (p. 14). Particularly striking is the authors' finding that, although approximately 57% of the school-age population is white, white students on average attend schools in which 77% of the student enrollment is white, while Black and Latino students attend schools in which over half of the student enrollment is from their own racial group (see also Frankenberg, Lee, & Orfield, 2003). As such, though their precise structure may be the subject of continued debate in both social scientific and legal realms, these trends compel us to consider how the continued use of race-conscious programs can bring us closer to our goal of reducing segregation and enhancing the potential for achieving positive relations between racial groups.

Does Interracial Contact Improve Racial Attitudes and Relations?. Another question raised by the Court involves whether contact between members of different racial groups can actually improve interracial attitudes. In particular, Justice

Thomas stated his view that, based on the evidence he reviewed, "it is unclear whether increased interracial contact improves racial attitudes and relations" (*Parents Involved*, Thomas, concurring, slip op. at 23). Although some have claimed that contact effects are minimal or at best mixed (e.g., Amir, 1976; Ford, 1986), a recent meta-analysis[4] of the intergroup contact literature very clearly indicates a meaningful relationship between greater contact and reductions in intergroup prejudice (Pettigrew & Tropp, 2006).

Pettigrew and Tropp (2006) gathered over 500 studies of intergroup contact effects, including 713 independent samples and over 250,000 participants from 38 countries. Their analysis clearly reveals an inverse relationship such that greater intergroup contact is significantly associated with lower intergroup prejudice (mean $r = -.21$, $p < .0001$). Additionally, the results for interracial contact are comparable to those found for other dimensions of difference (e.g., physical disability, mental illness), and 94% of the studies showed an inverse relationship between contact and prejudice, thereby demonstrating the consistency of this pattern of effects. Further analyses also show that the more rigorous research studies typically reveal stronger effects. For example, experimental studies that allow researchers to test for causal effects demonstrate the strongest effects, showing that intergroup contact can cause marked reductions in intergroup prejudice (mean $r = -.34$, $p < .0001$). Importantly, this significant relationship does not depend on whether or not participants chose to interact with the other group: greater intergroup contact consistently predicts lower intergroup prejudice among participants who had no, some, or full choice about whether to engage in the contact. Overall, then, these results offer substantial evidence that contact between groups can promote reductions in intergroup prejudice.

Still, questions remain as to whether these patterns of effects are consistent for younger samples, and whether the positive effects of contact would emerge in school settings. Tropp and Prenovost (in press) have, therefore, conducted a more in-depth examination of the 198 samples from the meta-analysis that tested for contact-prejudice effects among children and adolescents. Approximately half of these samples involved contact between youth from different racial and ethnic groups, and over two-thirds of these samples were gathered in the United States. Analyses of these cases revealed that greater intergroup contact is typically associated with lower prejudice among children and adolescents in school settings. The magnitude of the effect is comparable for those samples involving contact

[4] Meta-analysis is a statistical technique for determining the size and consistency of effects across tests of hypotheses in multiple studies. The benefits of this approach are that, rather than relying on subjective reviews of individual studies, meta-analysis allows researchers to quantitatively integrate and interpret findings based on the entire research literature (Rosenthal, 1991). To perform a meta-analysis, researchers attempt to find every study conducted on a particular topic; then, they statistically combine the results to examine the overall patterns of effects and to explore whether additional variables moderate those effects (Johnson & Eagly, 2000).

between youth from different racial and ethnic groups (mean $r = -.23$) and in relation to other target groups (e.g., disability, mental illness, mean $r = -.24$). Taken together, these findings suggest that the positive effects of contact typically do emerge among youth from different racial and ethnic backgrounds in school settings, lending substantial support for the view that interracial contact between youth in schools can reduce racial prejudice.

Does Desegregation Create Contact Experiences that can Promote Positive Outcomes?. Nonetheless, the Court is correct to point out that having children from different racial groups within the same school setting does not guarantee that these groups of children will come into contact with each other. As Justice Thomas noted, "simply putting students together under the same roof does not necessarily mean that the students will learn together or even interact" (*Parents Involved*, Thomas, concurring, slip op. at 23). Corresponding with this view, some research suggests that students from different racial backgrounds may seek out friendships primarily with members of their own group rather than seeking friendships across racial lines (Hallinan & Williams, 1989). Moreover, staying within group boundaries is especially likely to occur when one's group is in a numerical minority (Schofield & Sagar, 1977).

Still, having *opportunities* for contact is a necessary precondition for allowing interracial contact and its beneficial outcomes to emerge (see Pettigrew, Christ, Wagner, & Stellmacher, 2007; Wagner, Christ, Pettigrew, Stellmacher, & Wolf, 2006). Providing children with opportunities for racial contact in schools is particularly important, given persisting patterns of residential segregation in the United States (see Emerson, Yancey, & Chai, 2001; Massey & Denton, 1993). Indeed, studies suggest that interracial contact in desegregated schools can lead racial minority and majority students to become more willing to socialize with each other (Hallinan & Williams, 1989; Quillian & Campbell, 2003). In the absence of such opportunities, children may become less inclined to envision their ability to become friends with children from other racial groups (see Margie, Killen, Sinno, & McGlothlin, 2005; McGlothlin & Killen, 2006; McGlothlin, Killen, & Edmonds, 2005), at the same time as cross-race friendships have been shown to be especially effective in reducing intergroup prejudice (see Aboud & Levy, 2000; Pettigrew & Tropp, 2005).

Even without focusing on precise measures of interracial contact, a considerable number of studies have revealed significant differences in the racial attitudes and experiences of students who attend desegregated and integrated schools. For example, White children who attend racially heterogeneous schools tend to exhibit lower degrees of racial bias relative to those who attend racially homogeneous schools (McGlothlin & Killen, 2006; McGlothlin et al., 2005). Other studies also suggest that racial minority and majority students who attend racially integrated schools are more likely to develop positive intergroup attitudes and interracial

friendships later in life (Ellison & Powers, 1994; Patchen, 1982;), along with being more likely to work in racially diverse companies following graduation than those who attended racially isolated schools (Braddock, Dawkins, & Trent, 1994; Wells & Crain, 1994).

In order to achieve positive effects, however, close attention must be paid to the ways in which desegregation programs are implemented. As noted by Stephan (2002), we cannot safely assume that all approaches to integration would be equally effective in achieving the desired goals. Indeed, those programs that target desegregation at the level of classrooms, rather that at the level of schools, are especially likely to yield positive intergroup outcomes among students (Hallinan & Teixeira, 1987; Schofield & Sagar, 1977). Nonetheless, taken as a whole, the research literature strongly suggests that providing opportunities for interracial contact in schools can serve as a springboard for developing future contacts across racial boundaries and promoting more positive and harmonious relations between racial groups.

Can Desegregation Enhance Students' Educational Outcomes?. Still, the ability of school desegregation to improve students' interracial attitudes is not the only criterion on which the Seattle and Jefferson County plans were evaluated in the present cases. The plurality opinion also noted that the school districts have not been able to demonstrate the "level of racial diversity necessary to achieve the asserted educational benefits" (*Parents Involved*, 2007, slip op. at 4). A remaining question therefore involves whether race-conscious programs can enhance educational outcomes for students, beyond any social benefits that may be associated with their use.

Some scholars have argued that programs designed to reduce racial segregation should not necessarily have to meet the added expectation of enhancing academic achievement, as the societal goals of reducing prejudice and improving relations across group boundaries should be sufficient to justify their use (see Pettigrew, 2004, for an extended discussion). Nonetheless, advocates have sought to identify educational benefits associated with racial desegregation programs to provide further support for their implementation.[5]

Overall, comprehensive reviews of the social science literature conclude that school desegregation typically yields modest, positive educational benefits for Black students without diminishing educational outcomes for White students (Braddock & Eitle, 2004; Crain & Mahard, 1981; Schofield, 2001). Research has also revealed a number of long-term, positive effects of school desegregation for Black students, such as lower dropout rates (Guryan, 2004) and better employment

[5] The reader should note that these efforts are made all the more difficult by the fact that research on desegregation has decreased alongside the decreases in desegregation plans that are being implemented in schools (see Schofield, 2004).

opportunities in racially integrated work environments (Astin, 1982; Braddock et al., 1994; Wells, 1995).

Still, general conclusions regarding the educational effects of school desegregation must be made with caution, as desegregation programs have been implemented in a wide variety of ways (Armor, 2002; Schofield, 2004). Desegregation programs may vary not only in terms of the racial composition of students within the school, but in terms of the extent to which children from different racial groups are actually encouraged to work together and interact with each other across racial lines (see Braddock & Eitle, 2004; Schofield, 2001b).

Hence, rather than attempting to come to a single conclusion regarding the educational effects of desegregation, many social scientists have sought to identify specific factors and mechanisms associated with school desegregation that may enhance students' educational outcomes. For example, research suggests that desegregated school experiences are particularly likely to enhance academic achievement among black students when they attend desegregated schools from younger ages (e.g., Crain & Mahard, 1981), or when they are not tracked into separate classes within the school environment (e.g., Mickelson & Heath, 1999). Thus, whereas legal approaches would seek a firm conclusion regarding the effects of desegregation on educational outcomes, social scientific approaches focus on analyzing the precise characteristics of desegregation plans that yield different kinds of outcomes.

Reflections on Evidence and Inferences in Social Science and the Law

The intellectual traditions of social science and American jurisprudence are, as several scholars have noted, often at variance with each other (Barata & Senn, 2003; Bersoff, 1986; Crosby & Smith, 2007; Haney, 1999; Monahan & Walker, 1991; Melton, 1987; Roesch et al., 1991; Tremper, 1987). In fact, some scholars have noted that, in examining the potential merits and limitations of school desegregation programs, social science research has not always been based in the same understandings and reasoning that guide the decisions of the Court (see Braddock & Eitle, 2004; Wells, 2002). This set of opinions demonstrates quite vividly many of the differences in perspective between social science and the law, as well as the challenges those differences evoke. In particular, four categories of difference seem to emerge within these opinions. These include: (A) differences in the goals we have, (B) differences in how we value information, (C) differences in the conclusions we draw from that information, and finally, (D) differences in the assumptions we make along the way.

Differences in the Goals We Have

Clearly communicated in this set of opinions is a clash between the goals traditionally held by social scientists and those in the legal arena, where the desire

of the legal system is to obtain certainty and finality, and where social scientists strive to couch their work not in certainty, but in probability (Haney, 1980; Popper, 1963/1989). This divergence emphasizes the ever-evolving nature of social research, in conflict with the tradition and stagnancy of the law (see Haney, 2002, for a related argument).

Regarding the present cases, Justice Thomas in particular expressed concern about "today's faddish social theories" (*Parents Involved*, Thomas, J. concurring, slip op. at 35) and stated that "what was wrong in 1954 cannot be right today" (*Parents Involved*, Thomas, J. concurring, slip op. at 33). Justice Thomas also critiqued the plans of the Seattle and Jefferson County school systems for being "forward-looking" as opposed to remedial (*Parents Involved*, Thomas, J. concurring, slip op. at 8).

Despite the bias toward the status quo in the law, expressed here by Justice Thomas, in science it is not only acceptable, but indeed desirable, for our knowledge and understanding of the world to shift. The fact that our research-based approach to the world changes over time does not lessen or decrease its value, but actually may increase its value insofar as it refines our knowledge and deepens our understanding.

These traditionally articulated differences in goals, however, are more complex than they appear at first glance, and there is certainly value in both precedent and change. Like those within the legal system, social scientists explicitly build upon work that has come before, using previous research studies as building blocks for understanding larger issues. Similarly, even within a precedent-based model, change can occur. While legal precedent is not "disproved" in the same way as social scientific evidence, decisions that no longer resonate with community standards can be, and are, "overruled." In the jurisprudence of the Eighth Amendment, for example, justices have referred to "standards of evolving decency" (*Trop v. Dulles*, 1958), and occasionally even look to public opinion to determine appropriate limitations. Indeed, in the very line of cases leading to the Court's decision in the present case, *Brown v. Board of Education* (1954) overturned *Plessy v. Ferguson* (1896), articulating a change in the behaviors and standards permitted by law. While such changes within the legal system are not overly common, it is disingenuous to suggest that the long-term development of social scientific knowledge is completely at odds with the legal system. Such a suggestion holds social scientists to a higher standard than that to which the justices themselves are held; under such a standard, scientists could never develop or change their ideas once a theoretical claim had been made and supported.

Differences in How We Value Information

In addition to differences in goals, there are also significant differences in how information is valued within social science and the law (see Haney, 1980, for an

extended discussion). The legal system determines the value of information from doctrinal sources or legal precedent. Assertions that conform to assertions made in prior decisions are generally accepted as both legal and true. By contrast, in the social sciences, sources gain their credibility through empirical data gathered using rigorous methodology and the convergence of findings across multiple studies. Social scientific assertions are validated by generalities that emerge through replication across studies with varied methodologies.

As the Justices evaluate social science evidence in the present cases, they illustrate how the valuation of evidence remains quite different in the social scientific and legal traditions. Exemplifying the traditional legal approach, Justice Thomas criticizes what he calls the "divergence of opinion" "mirrored" in the amicus briefs (*Parents Involved,* Thomas, concurring, slip op. at 16), asserting that "the dissent unquestioningly cites certain social science research to support propositions that are hotly disputed among social scientists" (*Parents Involved,* Thomas, concurring, slip op. at 16). Here, Thomas ignores what on its face appears to be a balanced and thoughtful analysis by the dissenting Justices, in which they present social scientific evidence to support their view while explicitly acknowledging that "other studies reach different conclusions" (*Parents Involved,* Breyer dissenting, slip op. at 38; see also Breyer dissenting, slip op. at 40). Instead, Justice Thomas adopts a more traditional legal approach in evaluating social science evidence, where the unit of analysis appeared to be the amicus brief itself, rather than the number of studies cited in each brief. It is this distinction that allows Justice Thomas to assign an equal or greater weight to amicus briefs filed on behalf of several individuals than to those filed by large groups or national organizations summarizing large numbers of studies. With the legal focus on doctrine and precedent, the opinion of one individual can carry the same weight, or more, than data systematically collected and gathered from multiple researchers across time and across studies.

Those leaning toward a social scientific approach may instead place more value on the patterns or trends that emerge from the number and rigor of the studies conducted. Notably, in their discussion of both the "educational element" and the "democratic element" of the compelling governmental interest, Justice Breyer and the dissenters cite social science evidence that point to generalities in support of their point, as well as recognizing the existing of some conflicting evidence (*Parents Involved*, Breyer dissenting, slip op. at 38–39; see also Breyer dissenting, slip op. at 40–41). Responding explicitly to Justice Thomas' conclusions, Justice Breyer concludes: "He is entitled of course to his own opinion as to which studies he finds convincing—although it bears mention that even the author of some of Justice Thomas' preferred studies has found some evidence linking integrated learning environments to increased academic achievement." (*Parents Involved,* Breyer dissenting, slip op. at 44–45).

From these examples, it is clear that both the social scientific and legal traditions recognize that findings social science research may be open to interpretation.

Yet we can also observe that interpretations of these findings can vary considerably depending on the ways in which varying kinds of information are valued. As we seek to encourage people within the legal system to weigh and evaluate social science evidence, it is therefore important for social scientists to acknowledge and address such differences when presenting research findings to be considered in legal cases.

Differences in the Conclusions We Draw

Given the differences in goals and valuing of information in social science and the law, it is perhaps not surprising that these distinctions would exert a powerful impact on the conclusions drawn in any particular case or study. In the *Parents Involved* cases, the different kinds of conclusions we might predict from each perspective are clearly reflected in the conflicts expressed between Justice Thomas and the dissenters.

Building directly upon the previous points, one of Justice Thomas' primary critiques of the dissenters is that the social scientific evidence on which they base much of their decision is not entirely conclusive. One may ask whether he would endorse such a standard if more of the evidence proffered was in support of the position he endorsed. Nonetheless, irrespective of his motivations in declaring this standard, his view points to a further distinction between social scientific and legal approaches. Researchers focus on emergent trends determined through probability and the general convergence of findings, and scientific conclusions are not deemed to be incorrect simply because there appear to be exceptions or limitations to the theory (see, e.g., Popper, 1963/1989). However, in his opinion, Thomas articulates a desire for absolute and unanimous agreement among researchers before being willing to base conclusions on social science evidence.

Justice Kennedy in his concurrence expressed a similar critique, even in light of evidence demonstrating benefits that can be gained from implementing race-conscious programs. He wrote that the states failed to demonstrate that the programs were narrowly tailored to a sufficient extent, because they failed to prove conclusively that their plan represented the only possible way to achieve their goal. Specifically, according to Kennedy, "the general conclusions upon which [the dissent] relies have no principled limit and would result in the broad acceptance of governmental racial classifications" (*Parents Involved*, Kennedy, slip op. at 11).

Interestingly, the demands being placed upon the research and upon the school districts by Justices Kennedy and Thomas seem to hold evidence to a higher standard than they might apply to themselves within the legal realm. On the one hand, Justice Kennedy indicated the need continued tests of alternate strategies that do not involve racial classification. However, he does not articulate a point at which tests of alternate strategies would no longer be needed before racial classifications could be considered (see, Popper, 1963/1989, for a related discussion on "falsifiability" in research).

On the other hand, Justice Thomas suggested that unanimous agreement is required for endorsement of theory, yet there is no such requirement for agreement of justices to make a determination in a case; while unanimity is certainly desirable, this point is an especially poignant one to consider with respect to the present cases, in which a plurality and five separate opinions comprise the final decision. Taking a perspective more likely embraced by social scientists in his response to Justice Thomas' critique, in his dissent Justice Breyer noted: "If we are to insist upon unanimity in the social science literature before finding a compelling interest, we might never find one."(*Parents Involved,* Breyer dissenting, slip op. at 45). Together, these compelling examples illustrate how standards that are set for testing propositions and establishing consensus can have a significant impact on the conclusions drawn in social science and in the law.

Differences in the Assumptions We Make (or Acknowledge) Along the Way

Beyond the similarities and differences between social science and the law articulated above, perhaps the most impactful difference lies in the types of assumptions made by actors in each system, and their willingness to acknowledge those assumptions as part of the decision-making process. For this reason, it is not surprising that one of the most contentious issues raised in these opinions concerns the question of whether legal decision-making, or social science, is or should be value-free.

Interestingly, at first blush, many legal scholars and social scientists would likely agree in supporting the need to be objective and resist the inclination to make decisions based on one's values. In the United States, judges take an oath pledging to "faithfully and *impartially* discharge and perform all the duties incumbent upon me." 28 U.S.C. 453 (emphasis added). Similarly, social scientists historically have sought to demonstrate their objectivity, not only as a goal in conducting rigorous programs of research, but often in an attempt to remove the stigma of being a value-laden (i.e., "soft") field of study (see Bersoff, 1986; Haney, 1980).

In reading through the Justices opinions, however, we are compelled to ask whether the conclusions we draw are ever truly "value-free." For example, Justice Thomas stated that "[t]his constitution enshrines principles independent of social theories" (*Parents Involved*, 2007, Thomas, concurring, slip op. at 35). Nonetheless, many would argue that, as people residing within communities and societies who have shared norms and standards for behavior (Merton, 1968), it is impossible for us to objectively evaluate such principles without some dependence on social theories (Barata & Senn, 2003; DuBois, 1983; Haney, 2002).

Here, it is important to emphasize that recognizing some degree of subjectivity in our decision-making processes need not diminish the rigor of our work or the sound reasoning that underlies the conclusions we draw (see Crosby, Clayton, Downing, & Iyer, 2004; Kendler, 1999; Smith, M. B., 2000 for related arguments). Even when we attempt to maintain the highest standards of integrity in our work,

the kinds of questions we ask, the ways in which we frame arguments, and the sources to which we refer for information are all likely to be influenced by what we perceive to be of value. As such, while we may strive to develop conclusions in a manner that is "value-free," we must recognize that the pursuit of knowledge—whether in the arenas of social science or the law–cannot be completely separated from our own perspectives and value systems, and we must therefore acknowledge the assumptions that ultimately lie at the core of our work.

Conclusion

In this article, we examine how social science research was used and interpreted by Justices in their recent decisions concerning racial desegregation in schools, and we have discussed how the broader goals and assumptions underlying the use of research evidence may differ in the legal and social scientific communities. Evaluating this research from a social scientific perspective, our view is that there is considerable evidence to suggest that implementing race-conscious programs in schools can be effective in reducing racial segregation and promoting more positive interracial relations. Moreover, we encourage careful attention to the conditions and characteristics of such programs that are likely to yield those positive effects, in order to derive more precise conclusions regarding their use and effectiveness.

As we move forward in thinking about potential connections between social science and the law, we believe it is important for members of both the social scientific and legal communities to continue to examine our values, assumptions, and goals. As scholars, scientists, and citizens in a society faced with increasingly complex challenges, we must acknowledge that we cannot be completely objective and we should allow ourselves to be continually inspired by our morals, ethics, and values. Indeed, it could be argued that the judiciary is successful precisely because it celebrates the best of these elements as it allows voices from the community to have input at the societal level. Thus, rather than attempting to eliminate values and subjectivity from our decision-making processes, we should continue to ask ourselves how we can thoughtfully and meaningfully blend the two.

References

Aboud, F. E., & Levy, S. R. (2000). Interventions to reduce prejudice and discrimination in children and adolescents. In S. Oskamp (Ed.), *Reducing prejudice and discrimination* (pp. 269–293). Mahwah, NJ: Erlbaum.

Amir, Y. (1976). The role of intergroup contact in change of prejudice and race relations. In P. Katz & D. A. Taylor (Eds.), *Towards the elimination of racism* (pp. 245–308). New York: Pergamon.

Armor, D. J. (2002). Desegregation and academic achievement. In C. H. Rossell, D. J. Armor, & H. J. Walberg (Eds.), *School desegregation in the 21st century* (pp. 148–187). Westport, CT: Praeger.

Astin, A. W. (1982). *Minorities in American education*. San Francisco: Jossey-Bass.
Atkins v. Virginia, 536 U.S. 304 (2002).
Barata, P., & Senn, C. (2003). When two fields collide: An examination of the assumptions of social science research and law within the domain of domestic violence. *Trauma Violence Abuse*, *4*(1), 3–21.
Bersoff, D. (1986). Psychologists and the judicial system: Broader perspectives. *Law and Human Behavior*, *10*(1/2), 151–165.
Blair, I. V. (2002). The malleability of automatic stereotypes and prejudice. *Personality and Social Psychology Review*, *6*(3), 242–261.
Blank, R. M., Dabady, M., & Citro, C. F. (Eds.) (2004). *Measuring racial discrimination*. Washington, D.C.: National Academies Press.
Bolling v. Sharpe, 347 U.S. 497 (1954).
Boy Scouts of America v. Dale, 530 U.S. 640 (2000).
Braddock, J. H., Dawkins, M. P., & Trent, W. (1994). Why desegregate? The effect of school desegregation on adult occupational desegregation of African Americans, Whites and Hispanics. *International Journal of Contemporary Sociology*, *31*, 273–283.
Braddock, J. H., & Eitle, T. M. (2004). The effects of school desegregation. In J. A. Banks & C. A. Banks (Eds.), *Handbook of research on multicultural education* (pp. 828–843). San Francisco: Jossey-Bass.
Braddock, J. H., & McPartland, J. M. (1989). Social psychological processes that perpetuate racial desegregation: The relationship between school and employment desegregation. *Journal of Black Studies*, *19*, 267–289.
Brewer, M. B. (1999). The psychology of prejudice: Ingroup love or outgroup hate? *Journal of Social Issues*, *55*(3), 429–444.
Brewer, M. B., von Hippel, W., & Gooden, M. P. (1999). Diversity and organizational identity: The problem of entrée after entry. In D. A. Prentice & D. T. Miller (Eds.). *Cultural divides: Understanding and overcoming group conflict* (pp. 337–363). New York: Russell Sage Foundation.
Briggs v. Elliott, 347 U.S. 483 (1954).
Brown et al v. Board of Ed of Topeka, et al (*Brown I*), 347 U.S. 483 (1954).
Brown et al v. Board of Ed of Topeka et al. (*Brown II*), 349 U.S. 294 (1955).
Brown, R., & Hewstone, M. (2005). An integrative theory of intergroup contact. In M. P. Zanna (Ed.), *Advances in experimental social psychology* (pp. 255–343). San Diego: Academic Press.
Brown, R., Vivian, J., & Hewstone, M. (1999). Changing attitudes through intergroup contact: The effects of group membership salience. *European Journal of Social Psychology*, *29*, 741–764.
City of Richmond v. J.A. Croson, 488 U.S. 469 (1989).
Clark, R., Anderson, N. B., & Clark, V. R. (1999). Racism as a stressor for African Americans: A biopsychosocial model. *American Psychologist*, *54*(10), 805–816.
Clark, K. B., Chein, I., & Cook, S. W. (2004). The effects of segregation and the consequences of desegregation: A social science statement in the Brown v. Board of Education of Topeka Supreme Court Case. *American Psychologist*, *59*, 495–501 (Reprinted, original work published in September 1952).
Cohen, E. G. (1982). Expectation states and interracial interaction in school settings. *Annual Review of Sociology*, *8*, 209–235.
Cohen, E. G., & Lotan, R. A. (1995). Producing equal-status interactions in the heterogeneous classroom. *American Educational Research Journal*, *32*, 99–120.
Crain, R. L., & Mahard, R. E. (1981). The consequences of controversy accompanying institutional change: The case of school desegregation. *American Sociological Review*, *47*, 697–708.
Crisp, R. J., Stone, C. H., & Hall, N. R. (2006). Recategorization and subgroup identification: Predicting and preventing threats from common ingroups. *Personality and Social Psychology Bulletin*, *32*(2), 230–243.
Crocker, J., Major, B., & Steele, C. (1998). Social stigma. In D. T. Gilbert, S. T. Fiske, & G. Lindzey (Eds.), *The handbook of social psychology* (Vol. *2*, pp. 504–553). New York: McGraw-Hill.
Crosby, F. J. (2000). Introduction. In F. J. Crosby and C. Van deVeer (Eds.), *Sex, race, and merit: Debating affirmative action in education and employment* (pp. 1–10). Ann Arbor, MI: University of Michigan Press.

Crosby, F. J., Iyer, A., Clayton, S., & Downing, R. A. (2003). Affirmative action: Psychological data and the policy debates. *American Psychologist*, *58*, 93–115.

Crosby, F. J., Clayton, S., Downing, R. A., & Iyer, A. (2004). Values and science. *American Psychologist*, *59*, 125–126.

Crosby, F. J., & Smith, A. E. (2007). The University of Michigan cases: Social scientific studies of diversity and fairness. In R. L. Weiner, B. Bornstein, R. Schopp, & S. Willborn (Eds.), *Social consciousness in legal decision making* (pp. 121–142). New York: Springer.

Dasgupta, N., & Greenwald, A. G. (2001). On the malleability of automatic attitudes: Combating automatic prejudice with images of admired and disliked individuals. *Journal of Personality and Social Psychology*, *81*(5), 800–814.

Dasgupta, N., McGhee, D. E., & Greenwald, A. G. (2000). Automatic preference for White Americans: Eliminating the familiarity explanation. *Journal of Experimental Social Psychology*, *36*(3), 316–328.

Davis v. School Board of Prince Edward County, 347 U.S. 483 (1954).

Devine, P. G., & Vasquez, K. A. (1998). The rocky road to positive intergroup relations. In J. L. Eberhardt & S. T. Fiske (Eds.), *Confronting racism: The problem and the response* (pp. 234–262). Thousand Oaks, CA: Sage.

Devos, T., & Banaji, M. R. (2005). American = White? *Journal of Personality and Social Psychology*, *88*(3), 447–466.

Dixon, J., & Durrheim, K. (2003). Contact and the ecology of racial division: Some varieties of informal segregation. *British Journal of Social Psychology*, *42*(1), 1–23.

Dovidio, J. F., Kawakami, K., Johnson, C., Johnson, B., & Howard, A. (1997). On the nature of prejudice: Automatic and controlled processes. *Journal of Experimental Social Psychology*, *33*(5), 510–540.

Dovidio, J. F., Gaertner, S. L., & Kafati, G. (2000). Group identity and intergroup relations: The Common Ingroup Identity Model. In S. Thye, E. J. Lawler, M. Macy, & H. Walker (Eds.), *Advances in group processes* (pp. 1–35). Stamford, CT: JAI Press.

Dovidio, J. F., Gaertner, S. L., & Kawakami, K. (2003). Intergroup contact: The past, present, and future. *Group Processes and Intergroup Relations*, *6*, 5–21.

Dovidio, J. F., Gaertner, S. L., Hodson, G., Riek, B. M., Johnson, K. M., & Houlette, M. (2006). Recategorization and crossed categorization: The implications of group salience and representations for reducing bias. In R. J. Crisp & M. Hewstone (Eds.), *Multiple Social Categorization: Processes, models and applications* (pp. 65–89). New York: Psychology Press.

Du Bois, B. (1983). Passionate scholarship: Notes on values, knowing and method in feminist social science. In G. Bowles & R. D. Klein (Eds.), *Theories of women's studies* (pp. 105–115). London: Routledge Kegan Paul.

Eggins, R. A., Haslam, S. A., & Reynolds, K. J. (2002). Social identity and negotiation: Subgroup representation and superordinate consensus. *Personality and Social Psychology Bulletin*, *28*, 887–899.

Eibach, R. P., & Ehrlinger, J. (2006). "Keep your eyes on the prize": Reference points and racial differences in assessing progress toward equality. *Personality and Social Psychology Bulletin*, *32*, 66–77.

Ellison, C. G., & Powers, D. A. (1994). The contact hypothesis and racial attitudes among Black Americans. *Social Science Quarterly*, *75*, 385–400.

Emerson, M. O., Yancey, G., & Chai, K. J. (2001). Does race matter in segregation? Exploring the preferences of White Americans. *American Sociological Review*, *66*(6), 922–935.

Ensari, N., & Miller, N. (2002). The out-group must not be so bad after all: The effects of disclosure, typicality, and salience on intergroup bias. *Journal of Personality and Social Psychology*, *83*, 313–329.

Feagin, J. R. (1991). The continuing significance of race: AntiBlack discrimination in public places. *American Sociological Review*, *56*(1), 101–116.

Finkel, N. (1997). Commonsense justice, psychology, and the law: prototypes that are common, senseful, and not. *Psychology, Public Policy, and Law*, *3*(2/3), 461–489.

Fiske, S. T., Bersoff, D. N., Borgida, E., Deaux, K., & Heilman, M. E. (1991). Social science research on trial: Use of sex stereotyping research in Price Waterhouse v. Hopkins. *American Psychologist*, *46*, 1049–1060.

Ford, W. S. (1986). Favorable intergroup contact may not reduce prejudice: Inconclusive journal evidence, 1960–1984. *Sociology and Social Research*, *70*, 256–258.

Frankenberg, E., Lee, C., and Orfield, G. (2003). *A multiracial society with segregated schools: Are we losing the dream?* Cambridge, MA: The Civil Rights Project at Harvard University.

Gaertner, S. L., & Dovidio, J. F. (2000). *Reducing intergroup bias: The common ingroup identity model*. New York: Psychology Press.

Gaertner, S. L., Rust, M. C., Dovidio, J. F., & Bachman, B. A. (1996). The contact hypothesis: The role of a common ingroup identity on reducing intergroup bias among majority and minority group members. In J. L. Nye & A. M. Brower (Eds.), *What's social about social cognition? Research on socially shared cognition in small groups* (pp. 230–260). Thousand Oaks, CA: Sage.

Gebhardt v. Belton, 347 U.S. 483 (1954).

González, R., & Brown, R. (2003). Generalization of positive attitude as a function of subgroup and superordinate group identifications in intergroup contact. *European Journal of Social Psychology*, *33*, 195–214.

Graham, S., & Juvonen, J. (2002). Ethnicity, peer harassment, and adjustment in middle school: An exploratory study. *Journal of Early Adolescence*, *22*(2), 173–199.

Gratz v. Bollinger, 539 U.S. 244 (2003).

Grutter v. Bollinger, 539 U.S. 306 (2003).

Gurin, P. (2004). The educational value of diversity. In P. Gurin, J. S. Lehman, & E. Lewis (Eds.), *Defending diversity: Affirmative action at the University of Michigan* (pp. 97–188). Ann Arbor, MI: University of Michigan Press.

Guryan, J. (2004). Desegregation and Black dropout rates. *American Economic Review*, *94*(4), 919–943.

Hallinan, M. T., & Teixeira, R. A. (1987). Opportunities and constraints: Black-White differences in the formation of interracial friendships. *Child Development*, *58*, 1358–1371.

Hallinan, M. T., & Williams, R. (1989). Interracial friendship choices in secondary schools. *American Sociological Review*, *54*, 67–78.

Haney, C. (1980). Psychology and legal change: On the limits of a factual jurisprudence. *Law and Human Behavior*, *4*, 147–199.

Haney, C. (1991). The Fourteenth Amendment and symbolic legality: Let them eat due process. *Law and Human Behavior*, *15*, 183–204.

Haney, C. (2002). Making law modern: Toward a contextual model of justice. *Psychology, Public Policy & Law*, *8*, 3–63.

Hewstone, M., Cairns, E., & Voci, A. (2006). Intergroup contact, forgiveness, and experience of 'The Troubles' in Northern Ireland. *Journal of Social Issues*, *62*(1), 99–120.

Horenczyk, G. (1996). Migrant identities in conflict: Acculturation attitudes and perceived acculturation ideologies. In G. M. Breakwell & E. Lyons (Eds.), *Changing European identities: Social psychological analyses of social change* (pp. 241–250). Woburn, MA: Butterworth-Heinemann.

Hornsey, M. J., & Hogg, M. A. (2000). Assimilation and diversity: An integrative model of subgroup relations. *Personality and Social Psychology Review*, *4*, 143–156.

Hunt, M. O., Jackson, P. B., Powell, B., & Steelman, L. C. (2000). Color-blind: The treatment of race and ethnicity in social psychology. *Social Psychology Quarterly*, *63*(4), 352–364.

Inzlicht, M., & Ben-Zeev, T. (2000). A threatening intellectual environment: Why females are susceptible to experiencing problem-solving deficits in the presence of males. *Psychological Science*, *11*(5), 365–371.

Johnson, B. T., & Eagly, A. H. (2000). Quantitative synthesis of social psychological research. In H. T. Reis & C. M. Judd (Eds.), *Handbook of research methods in social psychology* (pp. 496–528). Cambridge: Cambridge University Press.

Kawakami, K., Dovidio, J. F., & Moll, J. (2000). Just say no (to stereotyping): Effects of training in the negation of stereotypic associations on stereotype activation. *Journal of Personality and Social Psychology*, *78*(5), 871–888.

Kendler, H. H. (1999). The role of value in the world of psychology. *American Psychologist*, *54*, 828–835.

Kendler, H. H. (2004). Politics and science: A combustible mixture. *American Psychologist*, *59*, 122–123.

Krieger, N. (2000). Discrimination and health. In L. Berkman & I. Kawachi (Eds.), *Social epidemiology* (pp. 36–75). Oxford: Oxford University Press.

Krieger, L. (2004). The intuitive psychologist behind the bench: Models of gender bias in social psychology and employment discrimination law. *Journal of Social Issues*, *60*(4), 835–848.

Lehman, J. S. (2004). The evolving language of diversity and integration in discussions of affirmative action from *Bakke* to *Grutter*. In P. Gurin, J. S. Lehman, & E. Lewis (Eds.), *Defending diversity: Affirmative action at the University of Michigan* (pp. 61–96). Ann Arbor, MI: University of Michigan Press.

Lord, C. G., & Saenz, D. S. (1985). Memory deficits and memory surfeits: Differential cognitive consequences of tokenism for tokens and observers. *Journal of Personality and Social Psychology*, *49*(4), 918–926.

Manuto, R., & O'Rourke, S. (1991). Federal judges' perceptions of social research in judicial decision-making. *Communication Reports*, *4*(2), 103–106.

Margie, N. G., Killen, M., & Sinno, S. (2005). Minority children's intergroup attitudes about peer relationships. *British Journal of Developmental Psychology*, *23*(2), 251–269.

Massey, D. S., & Denton, N. A. (1993). *American apartheid: Segregation and the making of the underclass*. Cambridge, MA: Harvard University Press.

McGlothlin, H., & Killen, M. (2006). Intergroup attitudes of European American children attending ethnically homogeneous schools. *Child Development*, *77*(5), 1375–1386.

McGlothlin, H., Killen, M., & Edmonds, C. (2005). European-American children's intergroup attitudes about peer relationships. *British Journal of Developmental Psychology*, *32*(2), 227–249.

McGuire, W. J., McGuire, C. V., Child, P., & Fujioka, T. (1978). Salience of ethnicity in the spontaneous self-concept as a function of one's ethnic distinctiveness in the social environment. *Journal of Personality and Social Psychology*, *36*, 511–520.

Melton, G. (1987). Bringing psychology to the legal system; opportunities, obstacles, and efficacy. *American Psychologist*, *42*, 488–499.

Melton, G. (1990). Law, science, and humanity: The normative foundation of social science in law. *Law and Human Behavior*, *14*, 315–332.

Mendoza-Denton, R., Downey, G., Purdie, V. J., Davis, A., & Pietrzak, J. (2002). Sensitivity to status-based rejection: Implications for African American students' college experience. *Journal of Personality and Social Psychology*, *83*, 896–918.

Meredith v. Jefferson County Board of Education, No. 05-915, 551 U.S. ___ (2007).

Merton, R. K. (1968). *Social theory and social structure*. New York: Free Press.

Mickelson, R. A., & Heath, D. (1999). The effects of segregation and tracking on African American high school seniors' academic achievement. *Journal of Negro Education*, *68*(4), 566–586.

Monahan, J., & Walker, L. (1988). Social science research in law: a new paradigm. *American Psychologist*, *43*, 465–472.

Monahan, J., & Walker, L. (1991). Judicial use of social science research. *Law and Human Behavior*, *15*, 571–584.

Newman, J. D. (1989). Affirmative action and the courts. In F. A. Blanchard & F. J. Crosby (Eds.), *Affirmative action in perspective* (pp. 31–49). New York: Springer-Verlag.

Orfield, G., & Lee, C. (2007). *Historical references, accelerating resegregation, and the need for new integration strategies*. Los Angeles, CA: Civil Rights Project/Proyecto Derechos Civiles at UCLA.

Parents Involved in Community Schools, Petitioner v. Seattle School District No. 1, et al., No. 05-908, 551 U.S. ___ (2007).

Patchen, M. (1982). *Black-white contact in schools: Its social and academic effects*. West Lafayette, IN: Purdue University Press.

Pettigrew, T. F. (1998). Intergroup contact theory. *Annual Review of Psychology*, *49*, 65–85.

Pettigrew, T. F. (2004). Justice deferred: A half century after Brown v. Board of Education. *American Psychologist*, *59*, 521–529.

Pettigrew, T. F., Christ, O., Wagner, U., & Stellmacher, J. (2007). Direct and indirect intergroup contact effects on prejudice: A normative interpretation. *International Journal of Intercultural Relations*, *31*(4), 411–425.

Pettigrew, T. F., & Tropp, L. R. (2005). Allport's intergroup contact hypothesis: Its history and influence. In J. F. Dovidio, P. Glick, and L. Rudman (Eds.), *On the nature of prejudice: Fifty years after Allport* (pp. 262–277). Malden, MA: Blackwell.

Pettigrew, T. F., & Tropp, L. R. (2006). A meta-analytic test of intergroup contact theory. *Journal of Personality and Social Psychology*, *90*, 751–783.

Planned Parenthood v. Casey, 505 U.S. 833 (1992).

Plessy v. Ferguson, 163 U.S. 537 (1896).

Popper, K. (1989). *Conjectures and refutations: the growth of scientific knowledge*. New York: Routledge. (Original work published in 1963).

Price Waterhouse v. Hopkins, 490 U.S. 228 (1989).

Quillian, L., & Campbell, M. E. (2003). Beyond black and white: The present and future of multiracial friendship segregation. *American Sociological Review*, *68*(4), 540–566.

Rice v. Cayetano, 528 U.S. 495 (2000).

Roesch, R., Golding, S., Hans, V., & Reppucci, N. (1991). Social science and the courts: The role of amicus curiae briefs. *Law and Human Behavior*, *15*(1), 1–11.

Rosenthal, R. (1991). *Meta-analytic procedures for social research*. Revised ed. Newbury Park, CA: Sage.

Rudman, L. A., Ashmore, R. D., & Gary, M. L. (2001). 'Unlearning' automatic biases: The malleability of implicit prejudice and stereotypes. *Journal of Personality and Social Psychology*, *81*(5), 856–868.

Schofield, J. W. (1995). Promoting positive intergroup relations in school settings. In W. Hawley & A. Jackson (Eds.), *Toward a common destiny: Improving race relations in American society* (pp. 257–289). San Francisco: Jossey-Bass.

Schofield, J. W. (2001a). Review of research on school desegregation's impact on elementary and secondary school students. In J. A. Banks & C. A. Banks (Eds.), *Handbook of research on multicultural education* (pp. 597–616). San Francisco: Jossey-Bass.

Schofield, J. W. (2001b). Maximizing the benefits of student diversity: Lessons from school desegregation research. In G. Orfield (Ed.), *Diversity challenged: Evidence on the impact of affirmative action* (pp. 99–109). Cambridge, MA: Harvard Education Publishing Group.

Schofield, J. W., & Hausmann, L. R. M. (2004). School desegregation and social science research. *American Psychologist*, *59*(6), 538–546.

Schofield, J. W., & Eurich-Fulcer, R. (2004). When and how school desegregation improves intergroup relations. In M. B. Brewer & M. Hewstone (Eds.), *Applied Social Psychology* (pp. 186–205). Malden, MA: Blackwell Publishing.

Schofield, J. W., & Sagar, W. A. (1977). Peer interaction patterns in an integrated middle school. *Sociometry*, *40*, 130–139.

Sheldon, K., Schmuck, P., & Kasser, T. (2000). Is value-free science possible? *American Psychologist*, *55*(10), 1152.

Sidanius, J., Feshbach, S., & Levin, S. (1997). The interface between ethnic and national attachment: Ethnic pluralism or ethnic dominance? *Public Opinion Quarterly*, *61*(1), 102–133.

Sidanius, J., Van Laar, C., & Levin, S. (2004). Ethnic enclaves and the dynamics of social identity on the college campus: The good, the bad, and the ugly. *Journal of Personality and Social Psychology*, *87*(1), 96–110.

Smith, M. B. (1991). *Values, self, and society: Toward a humanist social psychology*. New Brunswick, NJ: Transaction.

Smith, M. B. (2000). Values, politics, and psychology. *American Psychologist*, *55*(10), 1151.

Smith, A. E., & Crosby, F. J. (2007). From Kansas to Michigan: The path from desegregation to diversity. In G. Adams, M. Biernat, N. Branscombe, C. Crandall, & L. Wrightsman (Eds.), *Commemorating Brown: The social psychology of racism and discrimination*. Washington, DC: APA Books.

Steele, C. M., & Aronson, J. (1995). Stereotype threat and the intellectual test performance of African Americans. *Journal of Personality and Social Psychology*, *69*(5), 797–811.

Stephan, W. G. (2002). Improving intergroup relations in the schools. In C. H. Rossell, D. J. Armor, & H. J. Walberg (Eds.), *School desegregation in the 21st century* (pp. 267–289). Westport, CT: Praeger.

Swim, J. K., Hyers, L. L., Cohen, L. L., Fitzgerald, D. C., & Bylsma, W. H. (2003). African American college students' experiences with everyday racism: Characteristics of and responses to these incidents. *Journal of Black Psychology*, *29*, 38–67.

Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin & S. Worchel (Eds.), *The social psychology of intergroup relations* (pp. 33–47). Monterey, CA: Brooks/Cole.

Tajfel, H., & Turner, J. C. (1986). The social identity theory of intergroup behavior. In S. Worchel & W. G. Austin (Eds.), *Psychology of intergroup relations* (pp. 7–24). Chicago: Nelson-Hall.

Tausch, N., Kenworthy, J., & Hewstone, M. (2006). Intergroup contact and the improvement of intergroup relations. In M. Fitzduff & C. Stout (Eds.), *The psychology of resolving global conflicts: From war to peace* (Vol. *2*, pp. 6–107). Westport, CT: Praeger Security International.

Thompson, M., & Sekaquaptewa, D. (2002). When being different is detrimental: Solo status and the performance of women and racial minorities. *Analyses of Social Issues and Public Policy*, *2*(1), 183–203.

Tremper, C. (1987). Sanguinity and disillusionment where law meets social science. *Law and Human Behavior*, *11* (4), 267–276.

Trop v. Dulles, 356 U.S. 86 (1958).

Tropp, L. R. (2006). Stigma and intergroup contact among members of minority and majority status groups. In S. Levin & C. van Laar (Eds.), *Stigma and group inequality: Social psychological perspectives* (pp. 171–191). Mahwah, NJ: Erlbaum.

Tropp, L. R., & Bianchi, R. A. (2007). Interpreting references to group membership in context: Feelings about intergroup contact depending upon who says what to whom. *European Journal of Social Psychology*, *37*, 153–170.

Tropp, L. R., & Prenovost, M. (in press). The role of intergroup contact in predicting interethnic attitudes: Evidence from meta-analytic and field studies. To appear in S. Levy and M. Killen (Eds.), *Intergroup attitudes and relations in childhood through adulthood*. Oxford: Oxford University Press.

Turner, J. C., Hogg, M. A., Oakes, P. J., Reicher, S. D., & Wetherell, M. S. (1987). *Rediscovering the social group: A self-categorization theory*. Cambridge, MA: Basil Blackwell, Inc.

Turner, R. N., Hewstone, M., & Voci, A. (2007). Reducing explicit and implicit outgroup prejudice via direct and extended contact: The mediating role of self-disclosure and intergroup anxiety. *Journal of Personality and Social Psychology*, *93*(3), 369–388.

Tyler, T. R., Boeckmann, R. J., Smith, H. J., & Huo, Y. J. (1997). *Social justice in a diverse society*. Boulder, CO: Westview Press.

Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and the courts*. New York: Russell Sage.

van Oudenhoven, J. P., Groenewoud, J. T., & Hewstone, M. (1996). Cooperation, ethnic salience and generalization of interethnic attitudes. *European Journal of Social Psychology*, *26*, 649–661.

Wagner, U., Christ, O., Pettigrew, T., Stellmacher, J., & Wolf, C. (2006). Prejudice and minority proportion: Contact instead of threat effects. *Social Psychology Quarterly*, *69*(4), 380–390.

Walton, G. M., & Cohen, G. L. (2003). Stereotype lift. *Journal of Experimental Social Psychology*, *39*(5), 456–467.

Wells, A. S. (1995). Reexamining social science research on school desegregation. Long- versus short-term effects. *Teachers College Record*, *94*, 691–706.

Wells, A. S., & Crain, R. L. (1994). Perpetuation theory and the long-term effects of school desegregation. *Review of Educational Research*, *64*, 531–556.

Williams, D. R., Yu, Y., Jackson, J. S., & Anderson, N. B. (1997). Racial differences in physical and mental health: Socioeconomic status, stress and discrimination. *American Journal of Health Psychology*, *2*, 335–351.